The Secretary read as follows:

S. 4225. Enoch Adkins was a private in Company H, Fiftieth Regiment Wisconsin Volunteer Infantry. He served from March 11, 1865, to July 28, 1865, and was honorably discharged. He is in receipt of a pension under the service act of February 6, 1907, at the rate of $15 per month. He was formerly pensioned at $12 per month under the act of June 27, 1890, granted him on account of total inability to earn a support by manual labor.

Claimant is an old man of 74 years of age. The report of his last medical examination, taken February 10, 1908, showed that he was disabled by heart disease, chronic bronchial asthma, disease of prostate gland, and general and senile disability, and was wholly unable to perform manual labor. Medical evidence filed with this committee is to the effect that claimant is at present totally disabled for the performance of manual labor, by reason of disease of lungs and kidneys, rheumatism, and enlarged prostate gland, and other infirmities of age. It is also shown that he is destitute of property and has no means of support other than his pension. An increase in soldier's pension to $24 per month is recommended on the ground of his present condition; it is not due to his service, which was comparatively short, and no greater increase is warranted.

Mr. SMITH of Georgia. Mr. President, this soldier entered the service March 11, 1865. While, of course, I understand that legally the war was not over on the 9th of April, 1865, and while, of course, I am familiar with that fact that Mr. Davis did issue a proclamation, read by the Senator from Michigan, in which he expressed the opinion that the war was not over until after that date, everybody but Mr. Davis knew the war was over. Those of us who were even old enough to walk around—under 10 years of age—knew it was over. So, in point of fact, so far as the soldier is concerned, he did not get into the war, and he could not have. March 11, 1865—just a few days before the war closed. Of course, I understand about the proclamation and the legal termination of the war, but so far as the actual fighting is concerned, it was over.

Now, I urge that the view of Mr. GARDNER, as expressed before the committee, that these short-term men ought to be satisfied with $12 a month, is the sound view, and that there is no more reason why they should be put beyond $12 a month than anybody else who is in trouble. I therefore move to strike out from the bill this claim, on account of the very short service of the claimant.

Mr. McCUMBER. Mr. President, the claimant in this case had four or five months' service before he was discharged. We are granting like pensions to soldiers who served 90 days and who were discharged. We are granting like pensions where soldiers were not engaged in actual battle at all. The laws of the country relative to pensions do not require that the soldiers shall have been engaged in actual battle in order that they may derive the benefits of the pension laws.

This man enlisted before the war closed, even under the theory of the Senator from Georgia that it closed on April 9; and no one could foresee that Lee was going to surrender on April 9. Probably if this soldier had known of that fact beforehand he would not have enlisted. But he answered the call of his country while the war was going on, and he is now drawing a pension because he served 90 days and more, according to the holding of the department. In other words, the war was not closed; hostilities had not ceased until three months after he enlisted.

We are not granting the sum that we would have granted to one of longer service. We are granting but $24 per month simply because of the short service. The condition of this old veteran is such that probably the committee would have allowed him from $36 to $40 per month had he served a year or more. But having had only this short service, under the rule we have followed in attempting to treat all alike where conditions are similar, we have granted in this case only $24.

In view of the condition of this old veteran, his many troubles, and the suffering he has endured, I believe the committee has done its duty in allowing him the meager sum of $24 per month, which is $9 more than he is receiving under the general law.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from New Hampshire?

Mr. McCUMBER. I yield.

Mr. GALLINGER. I will ask the Senator if I am correct in the thought that the service pension of the Mexican War soldiers is based on 60 days' service?

Mr. McCUMBER. Sixty days; and in the Revolutionary War the service pension, finally, was for 14 days' service.

Mr. GALLINGER. Yes; and a great many of the soldiers of the Mexican War, as I remember, exhausted their time en route. They did not get to Mexico, and yet a great many of them were pensioned because they were in the service for that length of time, ready to fight if they had an opportunity.

Mr. McCUMBER. Yes; we have treated them much more generously than we have the soldiers of the Civil War. I presume it was because in the earlier period, when we adopted the 90 days' basis, the country felt it was so poor that it could not grant a pens[illegible] to anyone who had served less than 90 days in the service. At the same time we have been granting pensions to those who served only 60 days in the War with Mexico.

Mr. JOHNSTON of Alabama. I do not know whether this soldier was in any actual battle or not, but there was opportunity for it. I have a very feeling recollection of that. I myself was wounded considerably after the 11th of March, 1865. So if this soldier was with the Virginia army he had an opportunity to be shot by the rebels, as they are called.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Georgia [Mr. SMITH].

The amendment was rejected.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Thursday, March 21, 1912, at 2 o'clock p. m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 20, 1912.

UNITED STATES DISTRICT JUDGE.

Ferdinand A. Geiger to be United States district judge, eastern district of Wisconsin.

UNITED STATES ATTORNEY.

William N. Landers to be United States attorney, district of Porto Rico.

UNITED STATES MARSHAL.

Rockwell J. Flint to be United States marshal for the western district of Wisconsin.

CONSUL.

Marion Letcher to be consul at Chihuahua, Mexico.

POSTMASTERS.

DELAWARE.

Ebe T. Lynch, Lewes.

MINNESOTA.

Wilfred D. Oleson, Isanti.
Arthur H. Rowland, Tracy.
Sievren Swanson, Moose Lake.
Frederick C. Talboys, Aurora.

MISSISSIPPI.

Nevan C. Hathorn, Columbia.

WASHINGTON.

Peter N. Johnson, St. John.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March 20, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Infinite Spirit, Father of all souls, ever ready to help those who seek Thee, increase our faith, hope, and love—blessings which leap like angels from the temples of our hearts and bring us on our way rejoicing.

Not enjoyment, and not sorrow,
Is our destined end or way;
But to act, that each to-morrow
Find us farther than to-day.

So by these angels increase our usefulness to Thee by a faithful service to our fellow men, that at the end of the King's Highway we may merit the "well done, good and faithful servant," for Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. GOLDFOGLE rose.

The SPEAKER. For what purpose does the gentleman from New York rise?

Mr. GOLDFOGLE. For the purpose of asking unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. This is Calendar Wednesday, and there is no business in order to-day except business set for Calendar Wednesday.

Mr. GOLDFOGLE. But this is a privileged resolution. It comes from the Committee on Elections.

The SPEAKER. Under the rule nothing is in order on Calendar Wednesday except the business set for Calendar Wednesday, unless by a two-thirds vote the business in order on Calendar Wednesday is set aside.

Mr. GOLDFOGLE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GOLDFOGLE. If the House grants unanimous consent for the present consideration of the resolution, which is privileged itself, may not such resolution be taken up under such unanimous consent, notwithstanding the rule to which the Speaker has referred?

The SPEAKER. The Chair will quote from the rule:

7. On Wednesday of each week no business shall be in order except as provided by paragraph 4 of this rule, unless the House by a two-thirds vote on motion to dispense therewith shall otherwise determine. On such a motion there may be debate not to exceed five minutes for and against.

On a call of committees under this rule bills may be called up from either the House or the Union Calendar, excepting bills which are privileged under the rules; but bills called up from the Union Calendar shall be considered in Committee of the Whole House on the state of the Union.

Mr. GOLDFOGLE. Mr. Speaker, I was about to ask the Chair whether unanimous consent was not really equivalent to a two-thirds vote under the rule.

The SPEAKER. No. It takes a motion and a two-thirds vote to set aside business in order on Calendar Wednesday.

Mr. GOLDFOGLE. Mr. Speaker, I withdraw my request and will renew it to-morrow.

HOMESTEAD ENTRIES.

The SPEAKER. This is Calendar Wednesday, and the unfinished business is the bill S. 3367, to amend section 2291 and section 2297 of the Revised Statutes of the United States, relating to homesteads. The House will automatically resolve itself into the Committee of the Whole House on the state of the Union, and the gentleman from Missouri, Mr. DICKINSON, will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 3367, with Mr. DICKINSON in the chair.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to dispense with the first reading of the bill. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. TAYLOR of Colorado. Mr. Chairman, I would like to inquire of the minority leader whether he now desires to fix any definite time for general debate on the bill?

Mr. MANN. Oh, I do not think so.

INTRODUCTORY STATEMENT.

Mr. TAYLOR of Colorado. Then, Mr. Chairman, I will make a general introductory statement as to the objects and necessity for this legislation. This bill is what is known as the three-year-homestead bill. It affects primarily only the western part of the United States. It is a modification of the present homestead law, which has been in force in this country for about 50 years. During recent years conditions have so changed in the West that there are a great many reasons why the homestead law should be amended. I will only mention a few of them.

In the first place, when the law was originally enacted we had in all the Western States large stretches of fine public lands, comparatively no trouble or expense to reclaim, and easy to cultivate, and lands that did not require irrigation. It was mostly in the humid region of the United States, where the homesteader could break the sod, plant the seed, and get a big crop the first year. To-day practically all of that good land has gone into private ownership, making 8 or 10 splendid States, and the now remaining portions of the public domain in the United States are largely isolated tracts and in the arid region. There are to-day, comparatively speaking, no large bodies of good land left in this country open to settlement. There are now left only small sections and usually, as I say, isolated, irregular tracts of land that are open to entry. The remnants of the public lands to-day that are not withdrawn from entry are lands that are largely covered with brush or some kind of forest growth, usually sagebrush or oak brush or greasewood, or shrubbery of some kind, and often very rocky, and are exceedingly difficult to clear, break, and cultivate. In addition to that, these lands must be irrigated, which nowadays involves an enormous expense. So that the conditions in the West to-day, gentlemen, have so changed that it is now almost impossible for a poor man to go upon the public domain and locate a homestead and comply with the law. It has almost become a rich man's proposition. A man has either got to have from $3,000 to $5,000 in cash or he has got to be given an opportuntiy during the homestead period to make a living for himself and family and also earn money with which to reclaim the land or he can not do so. There are other conditions that have affected the change in the situation in the last few years. We used to have what was known as the preemption law. By that law a man was allowed to live upon his 160-acre claim for six months, make reasonable improvements, and obtain title to it without any bother. But that law has been repealed. In addition to the repeal of the preemption law, the rulings of the Department of the Interior have practically repealed the law allowing commutation of homestead entries. That law itself was a very great benefit to the settlement of the West. It allowed a man to live on his homestead for 14 months and then come in and pay a dollar and a quarter an acre and get his patent. On account of the adverse rulings of the Interior Department that law is now virtually a dead letter. Under the regulations the desert-land law has become a very expensive law to comply with. So there is left on the statute books now practically only the five-year homestead law that is available for the ordinary poor man. I may say we are not in this bill asking to amend the desert-land law. I have individually passed two bills this session amending the desert-land law, and one amending the homestead law as to settlers under reclamation projects, and one amending the isolated tract law; but this bill affects only the homestead laws requiring residence upon the land.

The rulings of the Department of the Interior and the procedure and construction of the public-land laws by the Federal officials have been getting more and more strict and technical all the time until now they are very seriously retarding the settlement of the West, and have practically suspended not only the operation of the commutation law, but the stone-and-timber law and the coal-land law, and are seriously interfering with our irrigation development. People are not only deterred from making original entries, but when a man who has made an entry finally comes to make final proof his patent is held up for various kinds of examinations by various kinds of Government agents. One set of agents go out and investigate to learn if a man has lived on the land all the time and fully complied with the law as to residence and improvements. Then, after a while, another Government agent goes out and investigates to see if there are any water-power sites on the land; and then, within a year or so, the United States Geological Survey sends out a special agent to see if there is any mineral, or coal, or oil, or gas, or phosphates on the land; and the homesteader's final proof is held up indefinitely until all these reports are sent to Washington and acted upon. So that at the present time a man seldom gets title to his homestead before from 7 to 10 years after he makes his filing.

The natural result of this system is shown in the report just published by the Commissioner of the General Land Office, which states that the number of original entries on the public domain have fallen off 33⅓ per cent in the past year. And I believe the records will show they have diminished in a greater ratio this year than last. So that if our country is going to try to continue the policy of settling the West by homesteaders, by actual residents, people who go on there to make their homes and develop the country, we have absolutely got to modify our public-land laws and liberalize and humanize their construction, interpretation, and administration so that it will be possible for a poor man to comply with them. To-day it is rapidly becoming practically a physical impossibility.

Mr. COX of Ohio. Will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Colorado yield to the gentleman from Ohio?

Mr. TAYLOR of Colorado. Certainly.

Mr. COX of Ohio. I would like to ask the gentleman whether the decline in the number of entries has been caused in any degree by the more advantageous arrangements made for the homesteaders in Canada than we have in this country.

Mr. TAYLOR of Colorado. There is no question in my mind, and I think there is no question in the minds of the great majority of the people of the West, but what two of the main reasons why good American citizens, most of them farmers, are going to Canada at the rate of from 125,000 to 150,000 a year and taking with them from $1,000 to $5,000 apiece are, first, because of the difference in the character of the land which we have left to offer them; and, secondly, the very great difference between the attitude of our administration and the Canadian Government officials toward the people who desire to take public land.

I am coming to a brief comparison between the conditions in Canada and the United States when I discuss the amendments

to the law which we are endeavoring to obtain by this bill. We believe that we can so liberalize our own land laws and put them upon something like a par with the land laws of the Dominion of Canada, that notwithstanding they have fine land to offer—that is, land much easier cleared and brought into cultivation—and notwithstanding their land does not need irrigation and our land does; nevertheless I believe if Congress will make these amendments, and if our Federal officials will exhibit a more hospitable spirit toward intending settlers, that we can undoubtedly check a large part of the tremendous and phenomenal exodus to that country. But there is now very little reasonable hope of inducing many of them to return. We have an advantage in this, that when a man does run the gantlet of our Federal obstructions and finally gets title to a piece of western land and gets it under cultivation and gets a good water right and a practicable irrigation system, if he is not bankrupt and compelled to surrender his claim to pay his debts, his land is worth five times as much as an equal area of the frontier land in Canada.

But, Mr. Chairman, there are many gentlemen who want to speak on this measure, and I will not at this time go into a further discussion of the bill generally, but will refer briefly to the amendments that are pending before the House to-day and which the Committee on the Public Lands have recommended and authorized me to present.

Mr. CONNELL. May I ask the gentleman a question for the purpose of getting information?

Mr. TAYLOR of Colorado. Certainly.

Mr. CONNELL. Is the gentleman able to tell us what per cent of all these people who are going to Canada each year are homesteaders in their own right and what per cent of them are mere farm laborers? Do they abandon homes to go there? If the gentleman would bring that out, I think it would be of interest.

Mr. TAYLOR of Colorado. The information we have, Mr. Chairman, is that a very large per cent of them are homeseekers—people who desire to obtain a home and a piece of land for themselves, regardless of whether they were farm laborers or men with families. While some men have gone to Canada to find employment, the great majority of them have gone and are now going for the purpose of obtaining a piece of land upon which to make a home. They are expatriating themselves from the United States, as they must do, and becoming subjects of the British Government in order to take the land in Canada. Our own patriotism and national pride prompt us to believe that they would not leave their native land and desert their own flag and enlist under another unless there was some very strong reason for their so doing. The impulse and hope of obtaining a home and a piece of land upon which to maintain a livelihood and raise a family are certainly of the noblest instincts of the human race. It has always heretofore been encouraged in this country, and with wonderfully beneficial results. And while they do not seem to realize the fact, we of the West know that the administration of our public-land laws has drifted far away from that wise and beneficent policy of encourging the settlement of our vacant lands; and we feel that public policy and the present conditions demand that we should, as speedily as possible, begin to liberalize our land laws and ameliorate the construction of them, to the end that the settlement and development of the West may continue as in former years. We are not advocating any changes that will permit of any frauds. We of the West are just as much, in fact more, opposed to any violation of the land laws than you of the East are. But we do not believe it is at all necessary to make the laws and their administration so harsh and drastic that they drive out or keep away a thousand honest homeseekers in order to keep out one speculator who would, if he could, get a piece of land without in good faith complying with the law.

But I will take up and endeavor to explain the amendments to the Senate bill which were prepared by the subcommittee and were approved by the entire Public Lands Committee, and on behalf of that committee I am directed to report them.

THE HOMESTEAD LAW.

I presume all of you know that the present homestead law requires a residence of five years before a man can prove up. The first and greatest change which we desire to make in this law is to reduce the homestead-residence period from five to three years. It is three years in the Dominion of Canada and in Texas, and we believe that three years is a long enough time for a man to demonstrate his good faith and to establish a permanent residence upon his claim. We believe that under existing conditions very much better results will be obtained by allowing a man to secure his patent, or at least receive his receiver's receipt at the end of three years than to compel him to wait five years before he can prove up. There are many reasons for that. Ordinarily a poor man has no basis of credit or financial standing upon which to obtain means to improve his land until he has some assurance of being able to get title to his land from the Government. But I will not go into these reasons in detail now. That is the first amendment we offer.

The second amendment is one which unconditionally allows a five months' leave of absence from the land during each one of the three years. The Canadian homestead law allows six months' leave of absence each year; but the Committee on the Public Lands believes that five months each year is sufficient. It is imperatively necessary that a poor man be allowed to go away from his claim to get work to make a living and earn something with which to improve his place. The land seldom produces anything to make any money out of during the first two years. And if he has children he must be allowed to go away to send them to school. And in the mountainous portions of the West the winters are so severe and the snows so deep that he can not do much on his place anyway during the first winters on the land. In fact, Congress nearly every year passes a special act granting a leave of absence during the winter to all homestead entrymen. We believe the period of absence should be definite and certain, instead of leaving it to the uncertainty of congressional action, of which the settlers are not always advised. They should know definitely what they can rely upon and not be compelled to watch and await the uncertain action of Congress each year.

Mr. MANN. Will the gentleman yield for a question?

Mr. TAYLOR of Colorado. Yes, sir.

Mr. MANN. Will the gentleman explain the effect of the amendments in the bill to which he just referred in reference to residence as to what constitutes residence? What is the change of the law in that part of the bill which proposes to define what constitutes residence by declaring that the presence of the entryman or his family constitute residence?

Mr. TAYLOR of Colorado. I will say to the gentleman from Illinois that the way this bill passed the Senate it provided that a man or his family might be absent from the land 6 months each year. When he appeared before the Committee on the Public Lands the Secretary of the Interior very vigorously objected to that provision on the ground, as he claimed, that if we allowed an absence of 6 months each year, under the existing rulings, he might be away a large part of the rest of the time, and consequently that he might be able to make final proof, not in 18 months' actual residence, but on possibly 9 months' actual residence. So the committee, largely in deference to the objections of the Secretary of the Interior, changed that provision from permissive absence of 6 months to the requirement of an affirmative presence on the land for 7 months each year.

Mr. MANN. If the gentleman will permit, the language of the committee amendment is that the presence of said entryman or of his family on the land, and so forth, shall be sufficient to constitute the residence required by this section. Does that mean that the entryman would be required to be physically present on the land during the seven months, or that if he were not present his entire family would have to be physically present on the land?

Mr. TAYLOR of Colorado. Well, we used the word "presence" virtually to compel actual residence of the man or his family on the land, because the Secretary seemed to feel that if we used the word "residence" that he might have a nominal residence there during that seven months and hardly be there at all. In other words, we were willing to accept a provision that would practically compel either the man or his family to actually be on the land substantially all of seven months in each year.

Mr. MANN. What is meant by the term "or his family"? Suppose the entryman were absent for the five months allowed under this bill, and then absent for the seven months—the rest of the year—how many of his family would have to be on the land for the seven months?

Mr. TAYLOR of Colorado. Well, I may say to the gentleman from Illinois that the committee is not set in the language which it has used as to that amendment. We feel that a man ought to reside on his land as much of the seven months as it is possible for him to do. But we of the West know that very trifling absences are sometimes taken advantage of to contest a man's entry. Even where he merely goes to town to get the mail, or to buy a load of groceries, or to help his neighbor thresh, or something of that kind, where he is only temporarily off of the land. That is a little overdrawn, but not very much. Sometimes in such cases some agent comes along and finds the homesteader away and reports the land vacant and abandoned, and the entryman is put to a great deal of expense and hardship

to prove his continuous residence. A man's wife may have to go away to send the children to school, or on account of sickness, or various reasons, and the committee thought if we compelled the presence of either the man or his family practically all the time during the seven months it would meet all reasonable requirements. We can not assume that a man is going to abandon his wife, or live away from her for seven months every year, just to work or be at some other place. I think the language of that amendment could be much improved upon, and I hope it will be, because I know the committee will not object. But I have reported the bill, and I am presenting it to the House in the language and form in which I am authorized and directed to do. If there is any other language that will carry out our intent any better or more effectively than this, neither the committee nor I have any objection to it. We only want actual residence on the land seven months in each year.

Mr. MANN. I understand; but I am trying to arrive at the meaning of the language in the bill. Of course, if the entryman remains physically present on the land for seven months that is disposed of. But supposing he does not. Will his entire family then have to remain on the land? Or is there any construction or any regulation of the department as to what constitutes a man's family, who would have to remain on the land in his absence?

Mr. TAYLOR of Colorado. Yes; I suppose there are constructions as to what constitutes a man's family. But constructions change so much these days that it is pretty hard to tell. The Interior Department seems to be tightening up its rulings all the time and making them more drastic, and as the conditions in the West become much harder for the homesteader to get title the constructions and regulations become stricter all the time and more and more impossible to comply with. For an 8-line law there are 10 pages of regulations.

Mr. MANN. As I recall the letter of the Secretary of the Interior on this bill, he suggested that this language in the bill would require the department to tighten up the regulations or the rulings in reference to presence on the land; that under existing regulations a man might be absent temporarily, and that temporary absence might be counted against him; but under this provision it might be held that the man was compelled to be physically on the land all of the seven months; or, under the terms of the bill, if he were absent, his family would have to be physically present on the land all of the seven months. Now, is there any construction as to what his family consists of—any construction by the department?

Mr. TAYLOR of Colorado. I can not say that there is any construction of the department that would cover this case. It should, of course; and, I presume, it would be a common-sense construction. If a man's wife was there, or if his children were there, or the major portion of them were there, or even if his wife alone was there, I apprehend that would or should be considered the presence of the family. If a man has 10 children and 1 was away sick, that should not deprive the family residence of legality. But the Secretary believes that we ought to revert to the language of the Senate on this amendment; and, so far as our committee is concerned, we have no objection to it.

Mr. NORRIS. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Colorado. Yes; I will yield to the gentleman for a question only.

Mr. NORRIS. On second thought I believe the gentleman had already anticipated the substance of my question before I interrupted him, so I will not interrupt him now.

Mr. ANDERSON of Minnesota. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Colorado yield to the gentleman from Minnesota?

Mr. TAYLOR of Colorado. Yes; I yield.

Mr. ANDERSON of Minnesota. Would the gentleman object to striking out the words "the presence of himself and family" and insert in place of that phrase the word "residence"? I can not seen any good reason for exchanging the requirement of residence, which everybody understands and which has a well-defined meaning in the law, for a term as to which nobody knows what it means. Nobody can tell what the department will construe "presence" to mean in the law.

Mr. TAYLOR of Colorado. I will say to the gentleman from Minnesota that personally I have no objection to the proposed change. But we have not yet reached the point where amendments can be offered to the bill. When we do reach that time in this consideration I will confer with the members of the committee, especially those from the West, and ascertain if they have any objection to the change. Personally, I see no objection to it at the present time.

Mr. LAFFERTY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Colorado yield to the gentleman from Oregon?

Mr. TAYLOR of Colorado. Yes; I yield for a question.

Mr. LAFFERTY. If the change in the pending bill, as suggested by the gentleman from Minnesota [Mr. ANDERSON] be not agreed to, do you not make the provision in the bill much harsher on the homesteaders of the United States than are the requirements on the Canadian homesteader at the present time, and would it not be favorable to your people of the West to agree to the amendment suggested by the gentleman from Minnesota [Mr. ANDERSON]?

Mr. TAYLOR of Colorado. Personally, I see no objection to that amendment. I think it is all right, myself. But under the rules of the House we can not adopt or reject or even consider amendments to the bill now. We will take that up when we reach it. I am now merely presenting the bill to the House under general debate, as I am instructed to do by the Public Lands Committee. I am presenting the general provisions and objects of the bill. When we take it up for amendment under the five-minute rule I will be pleased to consider the proposed change.

Mr. MILLER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Colorado yield to the gentleman from Minnesota?

Mr. TAYLOR of Colorado. Certainly.

Mr. MILLER. It seems to me by striking out the "presence" and substituting therefor simply the word "residence" we would be going back and traveling in a circle from the point at which we started. As everyone knows, residence is either actual or constructive. It seems to me that that which the proponents of this bill desire to avoid is the constructive residence of the homesteader, and therefore they have inserted the word "presence." It seems to me the word "presence" is very dangerous. It would probably be construed by the courts or by the department to be actual physical residence, and it might be that the homesteader would not be allowed even to go to town for the mail. He would not be present on his homestead for seven months if he was physically away at all during that time.

Mr. TAYLOR of Colorado. In other words, "presence" means more than "residence"?

Mr. MILLER. Yes. Would it not be better to put in "actual residence" instead of "presence"?

Mr. TAYLOR of Colorado. When we reach that point I shall be glad to take up that question with the gentlemen.

Mr. COX of Ohio. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Colorado yield to the gentleman from Ohio?

Mr. TAYLOR of Colorado. Yes.

Mr. COX of Ohio. I will say to the gentleman that I am in sympathy with the principle of this legislation, and I desire to ask this question in order to get the viewpoint of the West: Are you in favor of amendments being offered which would hold all utilities and resources, save agriculture, to the Government?

Mr. TAYLOR of Colorado. No; I am not in favor of making the homestead law more drastic than it is at the present time. We are trying to liberalize it. Under the present law no man can take mineral or coal land as a homestead. He and his two witnesses have got to swear at the time of his final proof that there is nothing of that kind in the land. The Government inspectors look out for that. Our timber lands throughout the West are all embraced within the forest reserves. The waters in the western streams do not belong to the Federal Government. They belong to the people of those States. So, why should we put into a man's patent unnecessary limitations and restrictions that would always be a cloud upon his title and a nuisance to him, and very seriously depreciate the value of his property? There are no frauds being committed anywhere now under the present homestead law.

Mr. COX of Ohio. The only reason why I ask the question is this: In the East, of course, the notion is more or less prevalent that homesteading takes on in some degree the element of exploitation; that people take homesteads presumably for the purpose of agriculture, when, as a matter of fact, they are seeking to get minerals or water power or timber, and that that is the real and primary purpose, rather than agriculture. It is with a view to the removal of that impression in the East, if it is not well based, that I have made the suggestion.

Mr. TAYLOR of Colorado. That is a matter that would come up, as I say, in the way of an amendment. As to how far the committee would be willing to go in the direction you suggest, I have no authority at this time to say. But our purpose is, and the sole object of this bill is, to encourage rather than drive away the actual settlers. We want to induce our American farmers to become homesteaders and citizens of the West rather than of Canada. The Canadian Government wants the settler,

and assumes that he goes on the land in good faith to make a home, and welcomes him accordingly. It does not assume that he is a thief and perjurer and exploiter, who is trying to steal something from the Government and ought to be spied upon and protested and contested and prosecuted and held up and litigated and harassed and driven off of the earth.

Mr. HAWLEY. Will the gentleman yield for a question?

Mr. TAYLOR of Colorado. Yes.

Mr. HAWLEY. Would the provision in the bill requiring the presence of the entryman or his family on the land for seven months in each calendar year, and so forth, cover a case like this: Suppose the family were poor, and they had been off the land for five months and had returned to the land. Suppose the man was required by the death of his father or mother and the settlement of an estate, where he was appointed administrator or executor, to absent himself for three weeks or a month to attend to that business. Suppose he had a family, consisting of a wife and five children. Two of the younger children remain on the land with the mother, and the older children are in a neighboring town in school. Would the presence of the wife and the two younger children on the land, under this condition of affairs, constitute the "presence" contemplated in the law, and would it be such as would enable them to make a showing of "presence" that would satisfy the requirements of the proposed law, and enable them to get their patent?

Mr. TAYLOR of Colorado. Yes; it certainly would. At least that is my judgment, and it is the opinion of the Public Lands Committee. Whether the Department of the Interior would put that construction on it, I have no authority to say.

Mr. HAWLEY. Was such a question as that raised with the Secretary of the Interior, or any one representing his office, during your hearings on the bill?

Mr. TAYLOR of Colorado. I do not know that it was raised just in that form, but, generally speaking, we talked it over with him very fully. The printed hearings are here, and they are quite full.

Mr. HAWLEY. Does the gentleman think the Secretary of the Interior would hold, in the construction of the proposed law, that such a case met the requirements of the law? Such cases will frequently occur.

Mr. TAYLOR of Colorado. I should think so; but if there is any question about it, we ought to cover it by an amendment.

Mr. HAWLEY. The gentleman thinks that the Secretary of the Interior would hold that the family would be safe under those conditions?

Mr. TAYLOR of Colorado. Yes, sir; I think so.

Mr. HAWLEY. The gentleman is not sure, from the hearings?

Mr. TAYLOR of Colorado. No; I can not guarantee what the Department of the Interior would decide.

Mr. MARTIN of Colorado. Will the gentleman yield for a question?

Mr. TAYLOR of Colorado. Certainly; I will yield to my colleague.

Mr. MARTIN of Colorado. May I inquire whether section 2291, as set out in the report, beginning at the bottom of page 10, is the present law?

Mr. TAYLOR of Colorado. No; that is a recommendation made in the annual report of the Secretary of the Interior.

Mr. MARTIN of Colorado. With reference to the use of the word "presence" in the pending bill, may I inquire who suggested the use of that word instead of the word "residence"?

Mr. TAYLOR of Colorado. It was suggested in the subcommittee.

Mr. MARTIN of Colorado. May I ask whether the purpose of the use of the word "presence" was to meet possible objections coming from opponents of this character of legislation?

Mr. TAYLOR of Colorado. Yes; that is exactly what it was for.

Mr. MARTIN of Colorado. Opponents who would say that the real object of the bill was to pass title without any residence whatever?

Mr. TAYLOR of Colorado. Yes; we thought we were adding a clause that would answer the objections and meet the approval of the ultra conversationists and prevent opposition to the bill on that ground. That is what we were trying to do.

Mr. MARTIN of Colorado. While my attention was not called to the word until just this moment, I am sufficiently familiar with this character of legislation and the objections raised to it to suspect that that was the reason the word is found in the bill, and that the friends of this legislation were really overzealous to anticipate this character of objection. I trust that no Member here present will insist that this new and uncertain term be substituted in this law for the certainty which has been acquired by the word "residence" in construction and practice.

Mr. LANGLEY. Will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. LANGLEY. I am in favor of this measure as I understand it, but I am of the opinion that the law governing the acquisition of title to these public lands by veterans of the Civil War should be made even more liberal than this bill proposes. I want to ask the gentleman what the attitude of the committee and of Members from that section of the country generally is on that question and whether they would be favorable to an amendment which would make this bill more liberal in the cases of these veterans, most of whom are too old and infirm to comply with the provisions of the bill, or to establish residence at all?

Mr. TAYLOR of Colorado. So far as I have authority to speak for the Committee on the Public Lands on that subject, I do not believe they would have any objection to quite liberal provisions as to requirements of residence on the part of old soldiers in the making of homestead entries; but we feel that it is dangerous to try to load down this bill with too many provisions that may, like the one you suggest, be perfectly proper in themselves, but if we should attach them to this bill they might very seriously jeopardize its passage. We are only trying to accomplish a very few things by this legislation, and we do not want to complicate the bill with anything that is not absolutely necessary.

Mr. LANGLEY. That is what I wanted to bring out. I have a separate bill on that question. The gentleman thinks, then, that the better way to go at that is by a separate bill rather than to jeopardize this bill by such an amendment?

Mr. TAYLOR of Colorado. Yes; I think it would be much better by a separate bill, and I am quite certain the committee will give your bill very careful and, I believe, favorable consideration when you bring the matter to their attention.

Mr. KINKAID of Nebraska. Is it contemplated by the Public Lands Committee that the "presence" of the entryman shall be continuous for seven months, or that he may be present three months and absent three months, and then present again four months and absent three months, or must there be seven months' consecutive presence and must the five months' absence be consecutive? How is that?

Mr. TAYLOR of Colorado. The bill does not say that either the seven months' presence or five months' absence shall be consecutive or continuous. But the committee presumed that, generally speaking, a man would go away in the wintertime to secure employment and earn some money to improve his home and to support his family, and that he would be away practically as long as the law allowed him to, and then return in the spring and live upon and improve his place.

That was really our object; that period of presence and absence would be practically continuous. But I may say that the Secretary of the Interior makes the objection because we do not say that they shall be consecutive. He insists that under this language a man might be there one week and away one week—an off again, on again, gone again homesteader—and that they would have to have a Government agent camping on every claim to check him up all the time. If our ultraconservation friends are worried for fear a homesteader might get off of his claim a few days too much, I have no objection to having a provision that will make it more specific. The only objection is that where you try to make everything so definite and specific that it can not be in any manner abused by anybody, you make it so drastic that nobody can derive any benefit from it.

Mr. KINKAID of Nebraska. Will the gentleman yield?

Mr. TAYLOR of Colorado. I will.

Mr. KINKAID of Nebraska. Is it not the case that the convenience of one entryman would require that he be absent in the summer time, while with another it might require that he be absent in the wintertime? It might be that the convenience of entrymen would require that they be absent at different times of the year and that that is left optional.

Mr. TAYLOR of Colorado. Yes; we feel that it is important that we should not designate the months that a man may be absent, and we have not done so. In some climates they want to get away in the wintertime, because they can not make any money and can do little toward improving their claims in the winter. But, as far as the practical continuity of absence or presence is concerned, I can see some ground for the contention that the Land Office should be notified when a man goes off, so as to have some system about it and possibly to prevent abuse. I do not think that a reasonable regulation of that kind would be objected to if it could be without expense or delay to the entryman.

Mr. COLLIER. Will the gentleman yield for a question?

Mr. TAYLOR of Colorado. Certainly.

Mr. COLLIER. I see that the second paragraph of the bill permits the entryman and his family to be absent five months. I ask this question purely for information, What is the existing law with reference to the absence?

Mr. TAYLOR of Colorado. Under the existing law temporary absences are not supposed to be ground for forfeiting a man's claim. And the law provides that he may, by application to the Land Office, obtain a leave of absence for six months and possibly longer. But in order to obtain it he must hire a lawyer, prepare a petition, have it sworn to by himself and two witnesses, file it in the Land Office, send it on to Washington, and then wait six months before he knows whether it will be granted or not. A poor man often can not do it. It is too much handicapped by restrictions and red tape and technicalities to be of any material advantage to the average homesteader; and if he takes the chances and goes off without it, or without waiting to hear from his application, he is liable to be contested at any time.

Mr. COLLIER. And the object of this is to do away with the formalities of obtaining this leave of absence?

Mr. TAYLOR of Colorado. Yes. Strictly speaking, the bill does not give him any more right than he lawfully has now. But this bill will prevent vexatious contests, delay, expense, and uncertainty about it.

Mr. HARRISON of Mississippi. Will the gentleman yield for a question?

Mr. TAYLOR of Colorado. With pleasure.

Mr. HARRISON of Mississippi. I want to ask about section 2. Suppose under the present law an entryman has lived on his homestead a year, and this bill should become a law, he would only have to live there two more years?

Mr. TAYLOR of Colorado. Yes, sir. A great many people have been living on their lands two, three, and four years, and we felt that these men that are on there now in good faith and have made their filings under existing law should be permitted to take advantage of this law if they desire. We used the word "shall," but I think we have agreed that there will be an amendment to make it "may."

Mr. HARRISON of Mississippi. Suppose four years ago an entryman made application under the present law, he must live on the land five years?

Mr. TAYLOR of Colorado. Yes.

Mr. HARRISON of Mississippi. Suppose for the first three years he has proved actual residence and the fourth year he had not complied with the law, and suppose a contest was pending. Would the entryman get any advantage under this bill?

Mr. TAYLOR of Colorado. No. If a homestead entryman has failed to comply with the law and a man has instituted a contest against him before this law takes effect, the trial would be had under the law as it existed at the time the contest was initiated. In other words, we can not take away the contestor's legal rights that had been initiated by a valid contest before the passage of this act. But if there were no adverse rights and the Government was holding up an entry on the ground of some slight deficiency in residence this act may possibly be of some relief if it is fairly and equitably construed.

Mr. HARRISON of Mississippi. Your provision says that it applies, and if he had actually proved his residence for three years, why would it not give him his patent? Why should he lose his patent simply because he had failed on the fourth year?

Mr. TAYLOR of Colorado. If he has not complied with the existing law up to the present time, Congress can not validate an invalid entry, especially as against an intervening and valid adverse claim.

Now, Mr. Chairman, my one hour's time has nearly expired, and I must decline to answer any further questions. In the remaining few minutes I have I want to discuss the bill without interruption.

With the committee amendments and those that I am authorized to agree to, the bill will read as follows:

That section 2291 and section 2297 of the Revised Statutes of the United States be amended to read as follows:

"SEC. 2291. No certificate, however, shall be given or patent issued therefor until the expiration of three years from the date of such entry; and if at the expiration of such time, or at any time within two years thereafter, the person making such entry, or if he be dead his widow, or in case of her death his heirs or devisee, or in case of a widow making such entry her heirs or devisee, in case of her death, proves by himself and by two credible witnesses that he, she, or they have a habitable house upon the land and have actually resided upon and cultivated the same for the term of three years succeeding the time of filing the affidavit, and makes affidavit that no part of such land has been alienated, except as provided in section 2288, and that he, she, or they will bear true allegiance to the Government of the United States, then in such case he, she, or they, if at any time citizens of the United States, shall be entitled to a patent, as in other cases provided by law: *Provided*, That the entryman may be absent from the land for not more than five months in each period of one year after establishing residence, but in case of commutation the 14 months' actual residence as now required by law must be shown: *Provided*, That when the person making entry dies before the offer of final proof those succeeding to the entry must show that the entryman had complied with the law in all respects to the date of his death and that they have since complied with the law in all respects, as would have been required of the entryman had he lived, excepting that they are relieved from any requirement of residence upon the land.

"SEC. 2297. If, at any time after the filing of the affidavit as required in section 2290 and before the expiration of the three years mentioned in section 2291, it is proved after due notice to the settler, to the satisfaction of the register of the land office that the person having filed such affidavit has failed to establish residence within six months after the date of entry, or abandoned the land for more than six months at any time, then and in that event the land so entered shall revert to the Government: *Provided*, That the three years' period of residence herein fixed shall date from the time of establishing actual permanent residence upon the land: *And provided further*, That where there may be climatic reasons, sickness, or other unavoidable cause, the Commissioner of the General Land Office may, in his discretion, allow the settler 12 months from the date of filing in which to commence his residence on said land under such rules and regulations as he may prescribe."

SEC. 2. That all existing pending entries requiring residence upon the land under the homestead laws shall be perfected under and according to the terms of this act.

The language of section 2 should be so amended as to leave it optional with existing homestead entrymen as to whether they perfect title under the present law or under the provisions of this bill, and I hope that change will be made, either here or in conference.

By comparison with the present law you will see that this bill provides for four or five very important and three or four minor amendments.

I have already discussed the two most important amendments, namely: First, the one reducing the residence period from five to three years; and second, the provision granting a definite five months' leave of absence each year.

The third important amendment is the provision making this proposed law applicable to all existing homestead entries. This is only fair and just. It would be an outrage to leave out the pioneer settlers. While we are trying to pass this bill primarily to encourage new settlers, nevertheless I am not in favor of making fish of one and fowl of another homesteader. If any favoritism is to be shown, it should be to the hardy homesteaders who have been out on their claims enduring the hardships of the last two years of drought, and the past winter—the most severe in 30 years. I have a warm spot in my heart for those splendid men and women, and I never want new friends bad enough to mistreat old ones. That provision must be put in this bill, either here or in conference.

The next important amendment is the provision definitely and specifically granting the homestead entryman a six months' period after the date of his filing within which to establish his residence on his homestead claim. That is the intention of the existing law, and has for 40 years been the practice until during the past year the Interior Department has been denying that right. Everyone who knows anything whatever about the West recognizes that a homesteader must have at least six months after his filing within which to build a house and establish his residence on the land. But the bill provides that the three-year residence period required shall not begin until the date the entryman actually does establish his residence.

Another amendment of less importance specifically relieves the heirs of a deceased entryman from residence upon the land in order to make final proof; which is also the intent of the present law, but is another of the strict and harsh constructions that has been recently adopted by the Interior Department.

Another amendment which is merely carrying out the intent of the present law, and is acceded to at the suggestion of the Secretary of the Interior, is the specific requirement of the construction of a habitable house upon the claim.

ADMINISTRATION OF THE PUBLIC-LAND LAWS.

Mr. Chairman, the Public Land Committee and an able subcommittee, of both of which I have had the honor to be the acting chairman in charge of this bill, have for nearly a month given the subject of these proposed changes in the homestead law an exhaustive consideration.

We have endeavored to look at the various questions involved from both the standpoint of the Government and the general welfare of the country, as well as from the position of the homestead entryman and the orderly development of the West; and the entire committee, as well as every Member of this House from the public-land States, are earnestly in favor of the enactment of a law substantially in the form of this bill. We are absolutely positive in our belief that the time has come when the welfare of this country imperatively demands the enactment of a three-year homestead law, with such reasonable regulations as to leave of absence and freedom from harassing restrictions as will render it possible for a poor man to locate a homestead claim upon the arid public domain of the West and support himself and family and at the same time comply with the law during such residence period as may be reasonably

necessary to show his good faith. Not 1 poor man in 50 could ever possibly comply with the exactions proposed here by the Secretary of the Interior. His recommendations as to "progressive cultivation and improvements" are practically and physically impossible.

I have lived among the frontier settlers of the West for over 40 years, and no one will say that I do not know the conditions or that I do not reflect the sentiment and welfare of Colorado. And from the thousands of petitions and letters and telegrams that I am receiving, I know I voice the sentiment of all the other Western States. There is no use of demanding impossibilities. A poor man can not possibly bring under practical cultivation and irrigation one-sixteenth of his claim the first year, one-eighth the second year, and one-fourth the third year. On a very large part of the homestead claims now being located in the mountainous portions of the West the parts of the claim that can be practically cultivated and irrigated are irregular patches, and often not one-fourth of the entire 160 acres can ever be brought under cultivation. To clear the brush and rocks and break the land and put it in crops often costs as much as $50 an acre. In addition to the clearing and breaking of the land, the construction of a ditch, or the purchase of sufficient interest in some irrigation system, often costs as much as an additional $100 an acre for all the irrigable land a man has on his claim.

We must recognize the actual conditions in the West and not enact a law that nobody can comply with unless he owns a first national bank.

The provisions of the 320-acre enlarged dry-farming homestead law are entirely too severe and drastic as regards its requirements of cultivation. Poor people can not cultivate 80 acres of their claim; and I believe if this House could realize the hardships that the settlers on the dry-farming homesteads are enduring and the privations to which their families are subjected in their efforts to comply with that law that the instincts of common humanity of the Members of this House would force a modification of that law, reducing the requirements of cultivation from 80 to 40 acres, as speedily as the bill could reasonably be passed. I am now and have for many months been doing my utmost to bring about that amendment of the law for the relief of those people, and I want to make this three-year residence law applicable to them as well as to all other homestead entrymen; and I can never agree to increase those hardships and make them applicable to all homesteaders. I would much rather pass no bill at all than to consent to that kind of a requirement.

The average homesteader of to-day is a poor man. He has little or no ready cash. He must make a living for himself and family by his own labor. We must not completely impoverish and discourage him. Under the present espionage of Government detectives he is chained down to his claim and dare not get off for fear of losing his home and all of his property. He must be given an opportunity to make a living by working elsewhere than on his claim a part of each year, and be free from having his claim contested by Government rubber-stamp contests, without giving any ground for it or ever letting the man know what he is charged with. The only human being under the American flag to-day who can not learn what crime he is charged with or have his day in court to determine his rights is the poor fellow who honestly tries to get a home on the public domain. He is treated as an outlaw, beyond the pale of civilized judicial procedure. We want the West to be covered by settlers instead of Government agents. I am opposed to leasing our resources for Federal revenue. We want the public lands and other resources to go into private ownership and pay taxes and help support the schools and the courts and the county and State governments, and build roads and populate and build up the country. We can not build up the country with forest rangers and special agents.

The effect of the present administration of the public-land laws is operating more in the interest of the big cattlemen than toward the encouragement of real settlement and development of the West. The present announced determination of this administration and the bills now before our committee to perpetually hold the public lands and lease them on long leases would be absolutely ruinous to the West. We want the West converted into homes and not held as a United States Government cow pasture for the benefit of the Beef Trust.

It is sheer nonsense to talk about allowing a homestead settlement within leased and fenced cattle or sheep ranges. Any man who would think of taking a claim and trying to make a farm and raise a family within that kind of a cowboy's corral would be not only foolhardy, but would be hunting trouble, and would be sure to find it. The pretense of allowing settlement under such conditions as that is absurd and ridiculous, and is, in my judgment, made only by those who either do not realize the conditions or are not sincere.

It is all very easy for these distinguished gentlemen down here sitting in mahogany chairs in cozy offices, and who never saw the West excepting through the window of a Pullman palace car to discourse fluently and with great dignity and gravity upon what the homestead settlers should do, and how we of the West should be governed. It seems popular with some people in the East. But for one, as long as I am in Congress I will fight against this Pinchot monarchial policy of perpetually holding the West as imperial Crown lands, for Federal exploitation, for Federal jobs, and Federal revenue. This country is not a monarchy yet; and while all power and authority in our Government has been centralizing in Washington at a terrific and astounding rate during the past 10 years, nevertheless, the States have, at least theoretically, still got some rights left, and I emphatically object to the Western States being treated as Federal provinces or insular possessions. We are an integral part of this Government. Our States were admitted on an absolute equality with the rest, and I will resist to the utmost of my ability this infamous scheme of trying to tax and unfairly burden and deprive the Western States of their just and equal rights in this Union. [Applause.]

Mr. Chairman, during the last half century there have been granted to railroads approximately 115,500,000 acres of the public land, while during the same period there have been in round numbers 900,000 homestead entries gone to final patent which have taken substantially 125,000,000 acres of the public domain. During the past 35 years, since the enactment of the stone and timber law and the desert-land law, there have been patented under the former act about 13,000,000 acres and under the latter about 6,000,000 acres, and during the past 40 years, under the timber-culture laws there were patented about 10,000,000 acres. There have been in the neighborhood of 500,000 acres patented as coal lands and also some other dispositions of the public domain in smaller amounts in various ways.

While there remains in the United States, exclusive of Alaska, approximately 317,500,000 acres of the public domain, and exclusive of about 190,000,000 acres in forest reserves, the fact is that all of these various entrymen made during the past 50 years have had the choice of the public domain and have very naturally selected the most fertile and productive land, and the land most easily cleared and cultivated.

Those 900,000 homesteaders and the entries of thousands of preemption claimants, desert land, and stone and timber entrymen, as well as the railroads themselves, have culled over the lands of the Western States until to-day there only remain the lands that have been during all of these years and up to the present passed over many times and rejected as unfit for cultivation and not worth the effort required for their reclamation. The result is that at the present time our home seekers are not only becoming more and more reluctant to take the remaining isolated tracts of land, but the stringency of the rulings of the Department of the Interior and the construction placed upon the existing laws are, in the judgment of your committee, seriously retarding the development of the West. This statement is conclusively borne out by the very rapidly decreasing number of original entries.

In his annual report for the year 1911 the Commissioner of the General Land Office, at page 6, says:

> The total area of public and Indian land originally entered during the fiscal year ended June 30, 1911, is 17,639,099.54 acres, a decrease of 8,752,169.55 acres as compared with the area entered during the year 1910.

This statement brings home to us very forcibly, indeed, the fact that during the past year the number of original entrymen, intending settlers upon the public domain, has fallen off 33⅓ per cent. That vividly discloses the startling fact that 55,000 home seekers and home builders that would naturally and have formerly gone out to select and settle upon our public lands have gone elsewhere during the past year. And when the records show that during that year 125,000 good American citizens—the farmers and backbone and sinew of this country—have gone to Canada, and not only expatriated themselves personally, which is by far the most serious loss, but have taken with them at the least estimate $125,000,000, the loss to this country can scarcely be estimated. Canada offers them a three-year homestead upon good land easily reclaimed and cultivated, with a six months' leave of absence each year and most lenient regulations, while in this country conditions have vastly changed during the last few years. This situation is very forcibly realized in the West, and is also recognized by the honorable Secretary of the Interior in his report to this committee.

The Public Lands Commission, appointed by President Roosevelt but a few years ago, reported, in part, as follows:

The information obtained by the commission through the conferences in the West and the hearings in Washington discloses a prevailing opinion that the present land laws do not fit the conditions of the remaining public lands. Most of these laws and the departmental practices which have grown up under them were framed to suit the lands of the humid region. The public lands which now remain are chiefly arid in character. Hence these laws and practices are no longer well suited for the most economical and effective disposal of lands to actual settlers.

The above report was signed by both Mr. Newell, present Director of the Reclamation Service, and Mr. Pinchot, former Chief Forester.

There are no longer large areas of contiguous public land suitable and subject to homestead entry; they are either arid or semiarid and difficult and expensive to either clear or irrigate. It is a rare exception when a man can now find a 160-acre tract of contiguous good or level land. He is usually fortunate if one-half of his claim is capable of being cultivated or irrigated at all, owing to the broken and mountainous condition of the country.

The many thousands of Government contests and protests agaist all forms of entries of public land and the protracted and discouraging delays in hearings seriously retard the development of the West and render the lot of the American homesteader much harder than it should be.

To reclaim and subdue our remaining public lands requires an expenditure of labor and money far beyond what is generally supposed; it requires determination, courage, and energy of a high order, and continuity of purpose, which are characteristics and virtues alone of good citizens.

Under the present law and especially its administration many good men who would make admirable settlers and citizens of the Western States are prevented or discouraged from acquiring the homes and developing the country which would, by the passage of this bill, be opened to them.

Considering the all-prevalent tendency of the population to congregate in the cities, the constantly increasing cost of living, and the uninviting character of and unavoidable hardships involved in the reclamation of the remaining portions of the public domain, it is believed by your committee that to the honest homesteader of to-day greater inducements must be made to settle, cultivate, and improve the remaining public domain than were ever before necessary.

There are a great many reasons that appealed to the committee to favor this bill. It is not deemed necessary to give them in detail. But there is one that does not seem to have been mentioned in the hearings, and yet it strongly appeals to the West in its laudable desire to upbuild the country.

Homesteads are not taxable until final certificates thereon have been issued. The enactment of the three-year homestead law would create an annual revenue for the maintenance of schools and the county and State governments of over $5,000,000 for each of the two years for which taxes would be collected, basing the calculation upon the average number of homesteads now being made, and not considering the increased number which the committee believe would be made under the proposed law.

We confidently believe that if the law is construed in the liberal spirit in which the committee hope and intend that it will afford an impetus to the settlement of the West by home seekers, home builders, and men who will develop our resources and become the producers of wealth and the substantial citizens of the country. The bill is in the interest of the actual settlers who your committee believe will have ample opportunity in three years to entirely demonstrate their good faith and to establish a permanent home.

It should be remembered that as to our remaining public lands subject to homestead settlement, the Government needs "the man on the land" quite as much as the man needs the land. When a homestead meant 160 acres that would all produce profitable crops by the mere turning of the sod, the homestead problem was comparatively a simple one. But now the remnants of the public land in the arid West, the reclamation homestead, and the dry-farm homestead present entirely different and much more trying problems, and if we are to continue to obtain for the conquest of these lands the men best qualified for the work, we must establish conditions which will encourage them in the undertaking.

For these reasons the committee is confident that this legislation will be for the best interest of the entire country, and that the bill should be enacted into law as speedily as possible.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SULZER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4144. An act to increase the limit of cost of the United States post-office building at Greeley, Colo.; and

S. 5446. An act relating to partial assignments of desert-land entries within the reclamation projects made since March 28, 1908.

The message also announced that the Senate had passed the following resolutions:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bills (S. 317) to provide for the purchase of a site and the erection of a public building thereon at Sundance, in the State of Wyoming; (S. 318) to provide for the acquisition of a site and the erection of a public building thereon at Newcastle, Wyo.; and (S. 4493) to provide for the purchase of a site and the erection of a public building thereon at Thermopolis, in the State of Wyoming.

Also:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 3716) for the erection of a public building at St. George, Utah.

HOMESTEAD ENTRIES.

The committee resumed its session.

Mr. MONDELL. Mr. Chairman, I did not intend to discuss the bill at this stage of the proceedings, but it has been suggested that it would be well at an early period in the debate to refer to some suggestions of amendments which have been made by the Secretary of the Interior, and I rise for the purpose of doing that. I think it is generally agreed—and the Secretary of the Interior has stated it as his opinion—that a three-year period is sufficient in which to prove the good faith of a homestead entryman.

The only other homesteads on the continent except ours are three-year homesteads. Canada has a three-year homestead law and Texas, which manages her own lands, has a three-year homestead law. So this change is merely coming to the homestead period which the people in Texas have always had and the people in Canada have always had.

There are other reasons for changing from a five to a three year period at this time. One is that homestead conditions are much more difficult than they were in the past. That is conceded by everybody. Another is that we have reached the time when the country needs the man on the land quite as much and in many cases more than the man needs the land. We need in the West to encourage the men who will develop the land, the development of which is expensive and difficult.

Furthermore, we had for many years a commutation law in full force and effect under which the entryman could make proof on his homestead entry after eight months of actual residence. The department a few years ago amended their rulings and held to a requirement of 14 months' residence. When we passed the enlarged homestead law we eliminated the commutation provision, and when we passed the reclamation homestead law we eliminated the commutation provision. The commutation provision is eliminated from what is called the Kinkaid homestead law, so that the only homesteads to which commutation in any wise applies are the old-fashioned 160-acre homesteads.

As to those homesteads, the commutation privilege has been very much curtailed, as a matter of fact almost wiped out, by reason of the ruling of the department to the effect that the provision in the law with regard to commutation is a privilege which the entryman can not exercise unless conditions unforeseen to him at the time of entry arise subsequently, which compel him to avail himself of the privilege. In other words, they hold that if the entryman went on his land with the intention of commuting he can not avail himself of that privilege. I do not believe that ruling is a fair interpretation of the law, but it seems to be the view of the department. From this it will be seen that in the first place the commutation privilege is wiped out as to the major portion of our homestead entries by law. As to the entries to which it still applies, it is practically eliminated by departmental interpretation. Therefore, as a matter of fact, the average homestead period is much longer now than it was formerly. There was a time when in the Dakotas there were three or four commutation entries to one five-year entry. Now the reverse is the rule, take the country as a whole, so that makes the general average of the period of residence very much longer now than it was formerly. The general average of residence will be as long, if this bill is passed, as it was 10 or 12 or 15 or 20 years ago; in fact, as it was 6 or 8 years ago.

I think there is a general consensus of opinion that the main propositions contained in this bill are wise, to wit, the reduction of the residence period to three years, and a better definition

as to the right of the entryman to absent himself from the land for a certain period of time.

Mr. LAFFERTY. Mr. Chairman, will the gentleman yield at that point for a question?

Mr. MONDELL. Certainly.

Mr. LAFFERTY. I would like to inquire why the Public Lands Committee raised the period of actual residence necessary from six months, as the bill passed the Senate, to seven months, as it is now presented to this House?

Mr. MONDELL. Mr. Chairman, so far as one member of the committee is concerned, I will say that I agreed to that not because I thought we ought to agree to it, but because I thought there might be considerable objection to the longer period. I want to call attention to the fact that the Canadian law is very liberal in that respect, and I would like to have the committee listen to the Canadian law with regard to residence. This is the second requirement under the Canadian law:

That he (the entryman) shall have held the homestead for his own exclusive use and benefit for three years from the date of entry and have resided thereon at least six months in each of three years from the date of entry or commencement of residence.

It will be seen that the Canadian provision is more liberal than the provision contained in the bill as it came from the Senate. It is still more liberal than the provision that we have reported in the bill.

If gentlemen will take a copy of the bill, I will read the suggestions, the proposed amendments contained in the letter of the Secretary, a copy of which was sent to the gentleman from Illinois [Mr. MANN].

He proposes, on line 3, page 2, between the words "by" and "two," to insert the words "himself and by." There can be no possible objection to this amendment, for it is simply writing into the statute what is now the law by continuous construction since the passage of the homestead law. The homestead law does not contain and never has contained a specific provision that the entryman himself must swear to the facts of residence and cultivation, but the courts and the department have always held that he must so swear, and there is no objection, therefore, to putting it in the statute. We do not change the statute in that respect, because we have changed the general homestead law in as few respects as possible, in order not to have any conflict of decisions.

The second suggestion is that on line 3, page 2, between the words "they" and "have" we insert the following words: "During the first year of the entry erected and the time of final proof." We put in the bill a provision that the homestead entryman must have a habitable house on the land, and the Secretary suggests that we add to that amendment an amendment to the effect that that habitable house shall have been erected during the first year. Certainly no one has any objection to a provision that the house shall be upon the land the first year of the entry. It should be, but the word "erected" should not be in the law. We discussed that in the committee. Sometimes an entryman secures an entry by contest and there is a house already on the land. Sometimes he secures an entry by buying the improvements of a former homesteader, and if anyone can offer an amendment which will make it more definite that the house should be there the first year without using the word "erected" I think no one will object.

Mr. ANDERSON of Minnesota. Would the gentleman object to putting an amendment somewhat like this—that he, she, or they shall have a habitable house upon the land for at least two years?

Mr. MONDELL. Let me make this suggestion. The homestead period, if this bill passes, will be from three to five years. The entryman may prove up in three years; he is not compelled to for five, and it is possible that the gentleman's amendment would not accomplish just what he desires to accomplish. If the man did not prove up until five years it is possible that under the proposed amendment it would be held that he was not required to have his habitable house until the third year. Of course we do not want that. I have no objection to the amendment suggested by the gentleman from Minnesota, only it seems to me it is subject to the criticism that I have made.

Mr. LAFFERTY. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. LAFFERTY. Let me suggest that the amendment suggested by the gentleman from Minnesota would have reference to the date of final proof.

Mr. MONDELL. Yes.

Mr. LAFFERTY. So that it would relate to two years previous to the time of offering final proof.

Mr. MONDELL. And if he did not offer final proof until the end of five years he would not be obliged to show that he had a habitable house until the third year.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. MANN. Do I understand that the gentleman says that there might probably be a provision that a habitable house be constructed or be on the land the first year?

Mr. MONDELL. By the end of the first year.

Mr. MANN. Would it not be very easy to provide for that by inserting after the word "they," or after the word "have," the words "during the first year"?

Mr. MONDELL. If that would accomplish what is sought there would be no objection. What is the gentleman's amendment?

Mr. MANN. So that it would read that he, she, or they during the first year have a habitable house.

Mr. MONDELL. We must have the habitable-house idea go clear through. We do not want to provide simply that the habitable house shall be there the first year.

Mr. MANN. That part would not bother me. I see no objection to that. I do not imagine that the habitable house would be removed.

Mr. MONDELL. I think that would cover the case.

Mr. LA FOLLETTE. Does the gentleman think that it would be wise to have a provision that that habitable house should be the house that he should prove up by; that he could not put a better house on the last year that he was there?

Mr. MONDELL. I do not think that would follow.

Mr. LA FOLLETTE. I think the Secretary's suggestion there practically carries out the idea that the House he proves up by shall be there from the first year, and the gentleman knows, from his long experience in the West, that there is not one settler in a dozen who does not build a new house before the end of his period.

Mr. MONDELL. I do not think that is important, but if it seems important some gentleman will no doubt offer an amendment which will cover that point.

The next suggestion is in line 4, page 2, that the word "actually" be inserted before the word "resided."

There is certainly no objection to the use of that word, because that is the proper interpretation and always has been.

Mr. FERRIS. Where does that amendment come in?

Mr. MONDELL. In line 4, page 2, before the word "resided." Now, line 4, page 2, strike out the word "or" and insert the word "and." There is no objection to that, and the only reason why the committee did not do it was that we adopted the homestead law as it now stands, and "or" has always been construed to mean "and." It might be just as well, and perhaps better, to make it clear. Now, another amendment of the Secretary, if the gentleman will follow me. Line 12, page 2, beginning with the word "provided" down to and including the word "section," in line 17, he suggests in lieu of those words the following:

Provided, That the entryman may be absent from his land for not more than four months in each period of one year after establishing residence, such absence to be under such rules and regulations as may be prescribed by the Secretary of the Interior.

Now, there are two very valid objections to an amendment in just that form, it seems to me. First, it reduces to four months the period during which the entryman may be absent. We have already reduced the period to five months—the Senate had it six. The present law, fairly interpreted, gives six months' absence. The Senate simply wrote into this bill what has always been the proper construction—six months—but in deference to the view of the Secretary and other gentlemen, we cut the period of absence down to five months. Now, the Secretary suggests we reduce that still further. I think that is hardly fair. I think that the Secretary himself, after considering the matter, will conclude that the homesteader must, under ordinary conditions, be given five months during which he can be absent from his homestead during the year. The gentleman from Colorado [Mr. TAYLOR] did not seem to be very clear whether the five months must be taken all at one time or divided into a number of periods. It seems to me it is clear it would be construed to apply to all considerable periods during which the entryman was absent. He might be absent for 30 days at one time helping in the harvest field, 30 days at another time helping in the hay field, 30 or 60 days at another time during the winter gaining a livelihood. Four months is altogether too short a period. The present homestead law protects the homesteader from contest for abandonment for six months. In other words, under the present law the homesteader may be away from his land six months and no one can contest him, neither the Government nor his neighbors, and it does not seem to me that after having that liberal provision for all these years during which they have settled the fertile lands of Iowa and Nebraska we should not now say four months should measure the time the entryman could be absent for considerable periods during a

year. It is true, of course, that in addition the entryman could be away a few days at a time. Now, a further suggestion, and I would like to have the attention of the gentleman from Illinois [Mr. MANN], with regard to this proposed amendment.

Mr. MANN. I will listen to the gentleman with great pleasure.

Mr. MONDELL. The Secretary suggests that this absence shall be under rules and regulations prescribed by the Secretary. Well, the difficulty about that is that the homesteader never knows when he is going to want to be away. He may live 50 miles from a post office, 100 miles from a railroad, 200 miles from the nearest land office. His request would oftentimes go to the land office by a once-a-week mail; it would go from the land office to the General Land Office at Washington, and by the time they had passed on his request the period during which he desired to be away would have passed. I do not see that the Secretary could make any regulations that would not hamper without doing any good. The entryman must affirmatively prove by two witnesses the facts of his residence and state the periods during which he is absent, and it seems to me that that affirmative proof of three people, which neither the Government or any individual could controvert, is quite sufficient. I fear if we require the entryman, if he wants to go to help a neighbor in the harvest field or wants to go off to work for a week or two, to write to Washington and get permission, such right would be of no value to him, because the time would have long passed before the request was granted.

Mr. MANN. What makes the gentleman think the entryman would have to write to Washington?

Mr. MONDELL. The regulation might provide the local land officers could grant the leave of absence. I doubt whether they would make a provision of that kind, and if they did, there being many homesteaders a week distant from the local officer by ordinary mail, by the time the local officer could answer all the requests for absence the time which the entryman desired to be absent would have expired.

Mr. MANN. And does not the gentleman think it would be a reasonable regulation that the entryman, when he was to be absent from the land for a month or more, would be required to notify the land office?

Mr. MONDELL. Well, I have been among homesteaders since I was a boy of 6, and it is my opinion that you can not have any regulation that requires a homesteader to notify some one in advance of his absence that would not cause many homesteaders a great deal of annoyance and difficulty. Homesteaders are not all much given to writing letters, as a matter of fact. Oftentimes an entryman might not know whether he was going to be away a week or a month. Let me again call the gentleman's attention to the fact that the homesteader must prove affirmatively on oath, corroborated by two disinterested witnesses, as to the exact periods of time during which he has been absent. And he is constantly open to a contest by all of his neighbors.

Mr. MANN. Where is that provision in the bill?

Mr. MONDELL. The provisions as to proof the gentleman will find on page 2. Of course, this is only a part of the homestead law, and is not the part of the homestead law which would govern contests, but the gentleman is familiar with those provisions.

Mr. MANN. There is no provision of the law now which permits the absence for five months in a year, and so there is no provision of law in evidence to prove it.

Mr. MONDELL. Section 2297 provides that an entryman can not be contested for abandonment unless he shall have abandoned for more than six months, and that is the law which governs all contests, governmental and individual, on the ground of abandonment. A contest affidavit will not be received by the local officers, based on the ground of abandonment, unless it contains the sworn statement that the entryman has been absent from his homestead for more than six months.

Mr. MANN. That is a contest. That is not the proof that the entryman makes. Where is there any provision in the law in regard to that?

Mr. MONDELL. When a man comes to make proof, he has to prove as to his residence. Making proof as to residence, as it has been made since the homestead law was on the statute books, is the proof of the fact that he has made his home upon and resided upon the land, and if at any time he has been away from the land for any considerable period he must in his proof so state. He must state how long he was gone. If the gentleman will read any homestead proof down in the Land Office now, he will find that every such proof contains a statement as to the absences of the entryman—just how long he was absent each time.

Mr. MANN. I do not think there is any requirement of the law here or elsewhere that will require proof as to the exact time the entryman was absent under the law. But supposing it were, is it not quite certain that if this provision goes in without any notification to the department or without any department regulation, that before they issue a patent in every case they will send somebody to investigate and find out whether the given entryman was on the land for seven months of the year, and that will cause a good deal more trouble to the entryman than it would to comply with some reasonable regulation of the department for giving notice.

Mr. MONDELL. My own personal opinion is—and I do not want to be contentious about it—that it would not. I do not think there would be objection to a special agent going to a homestead at the time of proof or before proof. I do not think there is any objection to taking the proof on the ground. It might be an improvement over the present system. But my long experience leads me to the belief that we would not have a better administration of this law with regard to absence if we had the requirement that is suggested and that it would in many instances be very, very trying to the homesteader. Now, that is my personal view. I think so long as the entryman is required, when he comes to make proof, to prove affirmatively for himself and by two witnesses as to his residence, and that proof consists of proof of the time he was upon the land and as to his absences from the land; this is sufficient.

Mr. MANN. I do not find where anybody has to make such proof under this bill.

Mr. MONDELL. Well, the gentleman knows this only amends 2 sections of some 12 sections of the law.

Mr. MANN. I understand.

Mr. MONDELL. Every man here from the public-land States knows—and the gentleman from Illinois is very familiar with these things—that the homesteader in making proof proves by two witnesses that he has resided upon the land and cultivated the same. Now, proof is required, and the gentleman would see it if he examined any proof in the Land Office to-day, that the entryman shows affirmatively the periods during which he was on the land and the periods he was off of the land.

Mr. MANN. The gentleman does not seem to appreciate the fact that we are changing the law by this bill. We are inserting a provision in reference to an absence from the land where the affidavit required is that the person has resided on the land for three years. But absence for five months shall not be counted as against the residence on the land. Now, the individual who swears to that under this provision of the law is not required to pay any attention to the absence from the land.

Mr. MONDELL. Why, every proof goes into detail. Let me call the gentleman's attention to the liberal provision of the Canadian law. They do not seem to have any trouble up there. They provide that he shall prove he has simply resided on the land for six months in the year. I do not think we would have any difficulty under the more drastic provisions contained here.

Now, to pass to the next——

Mr. MANN. Is it not a fact that under the Canadian law the officer in charge there can require the holder of the homestead entry to make proof every year?

Mr. MONDELL. There is such a provision in the Canadian homestead law.

Mr. MANN. It was just what I was calling attention to, that at the end of three years there was no way to get out except by sending somebody to investigate, whereas if there was a provision that would require the entryman to give notice of his absence he would be protected from annoyance, and the department would also be protected.

Mr. MONDELL. Most entrymen are honest men, and when they get two of their neighbors to testify as to their absence it is reasonably good proof.

The CHAIRMAN (Mr. DICKINSON). The gentleman from Wyoming has used 30 minutes.

Mr. MONDELL. I thank the Chairman for informing me. All homesteaders are at all times subject to contest by their neighbors if they do not comply with the law, or protest if their proof is not in accordance with the facts.

Now, in regard to the yearly proof.

Our homestead theory is very different from the Canadian homestead theory. We open the lands to homestead entry; the Canadian Government closes them to homestead entry. That is about what it amounts to. When lands become subject to homestead entry in Canada the Government there puts its hand on the land, and no man thereafter can question the act of a man who enters under that law except the Government itself. There is no such thing as the private right of contest in Canada. All of the special agents that we have ever had have never had 1

per cent of the influence in compelling compliance with the terms of the homestead law that the right of private contest has had, because if a man is subject at all times to contest by his neighbors for any failure in carrying out the provisions of the law, no matter how slight the failure to comply with any provision of the law may be, he is constantly on his guard. His neighbors are there all the time.

The special agent may be there once in two years, or once in a year, or once in six months; but the neighbors are there all the time, watching, and if his claim is of value some neighbor is going to get it for a friend or a relative if it is possible to do so. It should be understood that there are a number of provisions in the Canadian law that do not fit our law at all. They do not allow the right of private contest, because the private contestant might come in and take the Government's property on which the Government had loaned money. More than that, they prohibit a man relinquishing for a consideration, because if that were allowed the Government might lose the property on which it had loaned money. So it is apparent that many of these things that apply properly to the Canadian law can not go into our statutes.

Mr. BURKE of South Dakota. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Wyoming yield to the gentleman from South Dakota?

Mr. MONDELL. Yes; briefly.

Mr. BURKE of South Dakota. I just wanted to call attention to the fact that under our law we invite contests, and we provide that the successful contestant has the preference right of entering the land in 30 days on proof that the entryman has abandoned his claim.

Mr. MONDELL. Yes; and that safeguards the administration of the homestead law.

Now, it is suggested by the Secretary that there should be inserted after the word "resided," in line 4 of page 2, the word "continuously." That is a provision that would make the commuting homesteader remain on his land every day for 14 months, and would not allow him to be gone at all. It does not seem to me that we ought to adopt it; the commutation privilege is not worth very much anyway under present rulings. But it does not appear to me to be a fair provision to say in one line of the law that a man may prove up after 14 months' residence, and in another line to say he must remain there all the time.

Then it is further suggested that there be inserted the following:

In order to comply with the requirements of cultivation the entryman must during the first year after establishing residence cultivate not less than one-sixteenth, during the second year not less than one-eighth, and during the third year and each year thereafter not less than one-fourth.

Under that any provision inserted in this statute is liable to interfere with the provisions in the enlarged homestead law and in the reclamation law with regard to cultivation. All our homesteads now require a certain amount of cultivation, except the old-fashioned 160-acre homesteads, which are scattered around the country. Under the law the Secretary of the Interior now has authority to require the cultivation of a reasonable area of these entries. When the Secretary appeared before our committee he suggested that instead of putting so many limitations in the statute we should leave more to the discretion of the department.

Here is a line of policy with regard to which the discretion of the department is absolute. The Secretary can say that every 160-acre homesteader must cultivate as much land as will show his good faith. I think that is the best way to leave it. We departed from that rule in the 320-acre homestead simply because we were applying it to a peculiar class of land, and we departed from it in the reclamation homestead for the reason that in that case also we were applying it to peculiar conditions. But it is all within the discretion of the Secretary of the Interior as to other homesteaders. There the Secretary has full power, and we ought not to take that power away from him. There are here and there in these hills, along the sides of the mountains, and in the vicinity of settlements, places where men are perfectly willing to establish homes, and are glad and are anxious to establish homes upon lands that contain very little soil that is fit for cultivation. They may make a living on such a 160 acres of land. It would be a home to them. Men who spend a considerable part of their time working for their neighbors by days work may live on such lands; men who live in a locality where labor is required and employment is to be obtained in the vineyards and orchards may take such lands in the surrounding hills and mountains. There may not be more than a few acres of good land upon such areas. The Secretary may say, "You must cultivate 10 acres in New Mexico," or "You must cultivate 50 acres in Montana," or the reverse, and he can do as he sees fit within reason. He can make the requirement fit the condition. That is very much better in regard to entries on lands that are not to any considerable extent fit for cultivation than to lay down a hard and fast rule as to the acreage.

Mr. PRAY. Will the gentleman yield for a moment?

Mr. MONDELL. I shall be glad to.

Mr. PRAY. I want to call the gentleman's attention to the hearings, and to say, in that connection, that the Secretary stated that if these rulings were to be made over again the words "and cultivate the same" in the present law would be held to include the entire entry.

Mr. MONDELL. I am glad the gentleman reminded me of that. The Secretary, in his statement before the committee, fully appreciated his authority, and said he could hold that in a given case the man had to cultivate every acre. We want to encourage the taking of homesteads under the old homestead law in many places in the hills and in the mountains adjacent to cultivated areas, where men can establish homes on which they can at least make part of a living and the rest of it by being employed in the locality, and the Secretary can make such regulations as are fair.

Now, the next proposed amendment is, in lines 2 and 3, page 3, insert the following:

No entry for a homestead shall convey any right to any minerals within or under the land covered by the entry, and all minerals shall be specifically reserved to the United States in patents issued upon such entries; and lands whose chief value consists of the timber thereon shall not be subject to homestead entry.

There are two propositions contained there. One is the old English idea that the King owns the mineral. That rule applies in the dependencies of Great Britain.

One of the very first things that our forefathers did when they landed on these shores was to get away from the English idea that the monarch owns the mineral, and they adopted an altogether new rule. They provided that no mineral lands could be entered under an agricultural entry. They must be secured under a mineral entry; but whether lands are secured under a mineral entry or an agricultural entry, after having proven to the satisfaction of the Government that the land was either mineral or agricultural, the title should go to the center of the earth and be a title in fee.

Now, of course it is possible that 10, 20, or 100 years after a homestead entry has been made, a man might find a little clay or a ledge of sandstone or limestone on his land. In one case in ten thousand he might possibly find oil or gas or metalliferous minerals. Are the people of the country losing anything if here and there a farmer, 25 or 50 or 100 years after he gets the title, does find something on his land besides what is on the surface? Do we want to establish the old monarchical principle that, no matter when the discovery may come, the mineral belongs to the Crown? I do not think we do. We have modified, and will continue to modify, our laws whenever it becomes necessary, in order that we may use the surface of mineral lands, giving limited patents reserving the mineral in such cases; but we must do these things as we reach them with reference to the particular character of mineral that we have in mind; because our legislation must necessarily differ in the character of the title conveyed and as to the rights of the Government to proceed to take out the mineral. We have allowed the so-called surface entry of coal lands, simply because we want the surface of those coal lands cultivated, but on most mineral lands the surface is not fit for cultivation. And surely we do not want to confuse things by allowing a man to go upon a gold claim and make an agricultural filing and deliberately separate the land into two estates. We do not want to do that, but under this provision we would be deliberately wiping out the distinction between agricultural and mineral lands. I think for this we shall require legislation allowing a separation of the fee in certain kinds of lands, but a general provision of this kind we should not have at any time, and certainly not in connection with this legislation.

Mr. FERRIS. Some gentlemen are under the impression that the bill reported from the committee changes or modifies in some way the surface-entry bill that we passed.

Mr. MONDELL. Oh, no.

Mr. FERRIS. I wanted the gentleman to state that that was not the case at all, and that this bill in no way affected that.

Mr. MONDELL. The bill in no way affects the other bill that we have passed, which does allow agricultural entries on the surface of coal lands.

Mr. FERRIS. And in no manner subjects any mineral land to entry that is not now subject to it.

Mr. MONDELL. Not at all. And, further, this is a question to meet, in so far as we may need to meet it, not in connection with a change of the homestead period, but in the consideration of the concrete proposition, when we shall reach it, with regard to any particular mineral. There is no more reason for chang-

ing the rule when we have a 3-year period than there was when we had a 14-month period under the commutation law.

Mr. ANDERSON of Minnesota. There is some reason for doing a thing right while you are doing it, is there not?

Mr. MONDELL. I do not know just what the gentleman's attitude is, but my view is that the American people never have and I do not believe they ever will assent to a general proposition of reserving from all patents every mineral that may possibly some day be found beneath the surface of the land. That is the English idea.

Mr. ANDERSON of Minnesota. The State of Minnesota, which I have the honor in part to represent, has established that proposition for a great many years.

Mr. MONDELL. The gentleman is a lawyer, and so he understands what a wide difference there is between a reservation by a sovereign State and a reservation by the Federal Government which is limited in its powers. I have no objection to the people of a State making any reservation they see fit. That is altogether a different proposition, it seems to me, and I think the gentleman will agree with me.

Mr. ANDERSON of Minnesota. I want to say that I do not think it is the same.

Mr. MONDELL. Minnesota is doing what my State is doing in regard to some of her lands, but generally the American theory of title is that it extends from the heavens to the center of the earth, and it is one that should stand, and the exception should be an exception and not the rule; at any rate, it is a question so big that it has no place in a bill where we are shortening the homestead period. Now, the last suggestion of the Secretary is:

If after entry is made and at any time before patent is issued it be ascertained to the satisfaction of the Secretary of the Interior after notice to the entryman and hearing according to such regulations as the Secretary may prescribe that the land entered or any portion thereof is necessary for the protection or development of any water supply, irrigation works, reservoir sites, water power, harbor, wharf, docks or landing, the Secretary may cancel so much of said entry as he may find necessary or appropriate for such purpose.

There is so much involved in that suggestion that in the brief time I have I can not touch one side of it. We have no harbor fronts or land lying along streams subjected to homestead entry. The President has full right under the law passed last year, introduced by the gentleman from Iowa [Mr. PICKETT], to make any water-power or other withdrawals necessary. Withdrawals may be made under the reclamation law for canals, ditches, or irrigation works.

A further fact is that patents issued by the Government of the United States specifically reserve the right of way for canals and ditches. All these States recognize the right of condemnation for these uses. The object of this law is to enable the entryman to secure patent more quickly; if we are to subject the entryman to delay while the department searches around to learn if there is not some one of the enumerated reasons for reducing the entry or denying patent, we had better not pass this bill, for it would delay rather than expedite patents.

The Secretary suggests striking out section 2. I have no objection to it. I think the act would be the same with section 2 out as it would if it was in the bill, because I think if this becomes a law, it would apply to every homestead entry which has been made up to this time. [Applause.] Mr. Chairman, I reserve the balance of my time.

Mr. LANGLEY. Mr. Chairman, I wish to interrupt the debate at this point to insert in the RECORD a telegram I have just received from my colleague, Mr. FIELDS. I voted for the excise-tax bill yesterday, although I had a general pair with him, because I understood that he was also for the bill. The telegram confirms my impression as to his attitude on the bill. It is as follows:

LOUISVILLE, KY., *March 19, 1912.*

Hon. JOHN W. LANGLEY,
Care House Office Building, Washington, D. C.:

I am for excise-tax bill. Would vote for it if there. Read this telegram into RECORD.

W. J. FIELDS.

Mr. FERRIS. Mr. Chairman, I want to suggest that if there be any opposition to the bill, might it not be well that the opponents consume some of the time now? There has been almost two hours consumed by those in favor of the bill.

Mr. MANN. Mr. Chairman, if the gentleman will yield, I doubt whether anybody in the House is opposed to the passage of a bill making more liberal the homestead laws or possibly limiting the time in some way to actual residence of three years; whether it should be three years from the time of the entry is another proposition.

I want to make this suggestion to the members of the committee, which is a practical legislative suggestion: This bill is a Senate bill and comes to the House with various specific amendments recommended by the Committee on Public Lands. It is quite evident, I think, that the bill in its present shape, even with the committee amendments, does not meet entirely the approval of the Secretary of the Interior, in whose department public lands are controlled. Whether the views of the Secretary of the Interior in the amendments which he has suggested are desirable to be incorporated in the bill I do not undertake to say. Every gentleman will recognize the practical fact that where a bill of this character is passed by Congress to which the head of the department is very much opposed it is not likely under ordinary conditions to meet the approval of the President.

In the shape the bill now is in, if it were amended by simply accepting the committee amendments, or other amendments which might be offered on the floor, those amendments might be sent to conference, but the entire bill could not be sent to conference. I wish to make this suggestion—that when the committee has finished its work on the bill under the five-minute rule and put in such amendments as it desires to express the views of the members of this committee the gentleman in charge of the bill will move to strike out all after the enacting clause and insert in lieu thereof the measure which has been amended by the committee, so that the bill will go back to the Senate with the one entire amendment of the whole bill, and thereby throw the entire bill into conference. I have no doubt the conferees on the part of the House and on the part of the Senate, working with the Secretary of the Interior, will be able to produce a bill which will be satisfactory both to the House, to the Senate, and the gentlemen who are interested in public-land States, and one which will meet with the approval of the Secretary and President.

Mr. FERRIS. Mr. Chairman, following the suggestion of the gentleman from Illinois, of course that would come up at the end of the consideration under the five-minute rule. The proposition is, as I understand it, to get the whole bill into conference.

Mr. MANN. To get the whole bill into conference, so that you can properly change it; otherwise, under the rules, the conferees have no control over that which has been agreed upon in both bodies.

Mr. FERRIS. I think that will be a good procedure. As I understand the gentleman, no Member cares to stand up and say that he openly opposes legislation along these lines.

Mr. MANN. Not so far as I know.

Mr. FERRIS. Does not the gentleman think it would be wise to make some arrangement to close general debate and get to the consideration of the bill under the five-minute rule as soon as possible?

Mr. MANN. I do not know whether any gentleman desires time. I do not think general debate would run any length of time.

Mr. FERRIS. I think there are a few on this side who desire a little time, but if each person is recognized for an entire hour the result will be that we will not get through to-day.

Mr. MANN. Then let us make some agreement to close general debate.

Mr. FERRIS. Can we not make an agreement to begin the reading of the bill under the five-minute rule at 4 o'clock?

Mr. MANN. I would suggest that we begin to read the bill before that and allow liberal debate under the five-minute rule.

Mr. NORRIS. Make it 3 o'clock.

Mr. TAYLOR of Colorado. Mr. Chairman, there are six or eight who desire to speak on this bill.

Mr. FERRIS. There are three or four upon this side.

Mr. MANN. I understand that an hour is wanted upon this side.

Mr. FERRIS. I want a few minutes myself. The gentleman from California [Mr. RAKER] wants a few minutes, and, I think, the Speaker of the House wants a few minutes. I understand that the gentleman from Idaho [Mr. FRENCH] desires 20 or 30 minutes.

Mr. MANN. I was figuring upon that. Would two hours further of general debate be enough?

Mr. FERRIS. I should think that would be enough.

Mr. MANN. Mr. Chairman, I ask unanimous consent that general debate upon this bill be now limited to two hours more, one hour to be controlled by the gentleman from Oklahoma [Mr. FERRIS] and one hour to be controlled by myself.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that general debate be limited to two hours more, one hour to be controlled by the gentleman from Oklahoma [Mr. FERRIS] and one hour by the gentleman from Illinois [Mr. MANN]. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. MANN. Mr. Chairman, I yield 20 minutes to the gentleman from Oregon [Mr. LAFFERTY].

Mr. LAFFERTY. Mr. Chairman, in considering a bill of this nature, it is proper that the same rule should be applied by the legislators that a court would apply in construing a bill after it is passed, and that is the reason for the legislation. There has been in the past five or six years a growing belief in this country that the homestead laws of the United States were too harsh upon the small man, upon the settler who goes out to take up 40 or 80 or 120 or 160 acres under the old-fashioned homestead law, or 320 acres under the enlarged homestead act. Like the gentleman from Wyoming [Mr. MONDELL], who addressed the committee, I have had considerable experience with the public-land laws, and I wish to call the attention of the House to some of the reasons why the homestead law should be made more liberal.

This bill was introduced in the Senate by the Senator from Idaho, Mr. BORAH, and, after a thorough discussion, had thereon the 19th day of January, was passed without a dissenting vote. The bill simply refers to a couple of sections of the present public-land laws of the United States. It does not attempt to change any of the general principles or policies which are now sought to be injected into its consideration here in the House. The bill is a simple proposition. It simply cuts down the period of residence that must be put in prior to final proof from five years to three years, and it makes clear and specific the fact that the homesteader may be absent from his homestead five months out of each of those three years. Coming down to the practical question of the administration of the homestead laws by the Interior Department, let me call attention to the fact that when a man makes his final proof he is not yet out of the woods. He does not yet have his title or his patent. At the present time, after making his five-year proof, he is then subjected to inquisitions and to hearings by special agents of the General Land Office, and under prevailing practices it takes a homesteader not 5 years to get title, but from 7 to 10 and 12 years to get title.

The outrages that have been perpetrated upon your fellow citizens who go to the Western States from your States in the East, the outrages that have been perpetrated upon your own friends and neighbors, upon your own flesh and blood, by the manner in which the Interior Department has been administering the poor man's law, the homestead law, during the past six years would surprise gentlemen here if they but knew all of the details.

Mr. BOWMAN. Mr. Chairman, will the gentleman yield?

Mr. LAFFERTY. Certainly.

Mr. BOWMAN. Before the gentleman is through will he give some explanation as to what, in his opinion, should be done with regard to the classification of lands, whether or not they should be classified as the department suggests, so that only those known as agricultural lands should be acquired under the homestead laws?

Mr. LAFFERTY. Mr. Chairman, I am very glad the gentleman has asked me that question, because an amendment is going to be offered here when this bill is read under the five-minute rule which, if adopted, will do more harm than the continuation of the homestead law as it stands at the present time will ever do, with all of its hardships. There is going to be an amendment offered here providing that hereafter no man shall be allowed to go out and file upon a homestead if the claim contains any valuable timber, or if it is chiefly valuable for timber in the eyes of the special agent of the Interior Department who investigates it. Let me call attention to a few practical things. There are no public lands subject to homestead entry in the United States except for one reason, and that one reason is that nobody will go out and take them. Some men seem to have the idea that if we pass this bill to-day, cutting down the period of residence to three years, that people with corrupt intent will go out and acquire title to a 160-acre fertile farm, having upon it a large eight-room house and a red barn, simply by living there seven months each year for three years—a piece of land worth, perhaps, $10,000, or something of that kind.

Gentlemen, use your common sense for only a second. If there were any valuable public lands remaining subject to homestead entry, why does not John Smith or Bill Jones or Harry Brown or any other citizen go out and file upon them? Do not forget that the only lands remaining subject to homestead entry in the United States are lands that have been culled over and passed by as worthless, practically, for the past 50 years, since the homestead law was originally enacted.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. LAFFERTY. Certainly.

Mr. RAKER. I understand the main purpose of the bill now before the House, with the amendments, is to reduce the period of residence from five years to three years and to give the homesteader some latitude as to absence; otherwise the general laws upon the public lands are not affected or intended to be affected by this bill, but this bill is solely to give the homesteader a chance to build his home upon the Government land. Is that the gentleman's understanding?

Mr. LAFFERTY. Mr. Chairman, this bill does not change any of the public land laws in any way, except that it reduces the period of residence required prior to final proof from five years to three years and gives the entryman the right to be absent five months out of each one of those three years.

Attention has been called to the fact that the Canadian land laws are much more liberal than ours. The Canadian homestead law upon this subject reads as follows:

SEC. 16. Every entrant for a homestead shall, except as hereinafter otherwise provided, be required, before the issue of letters patent therefor, to have held the homestead for his own exclusive use and benefit for three years from the date of entry, to have resided thereon at least six months in each of the three years from the date of entry or the date of commencement of residence, to have erected a habitable house thereon, to have cultivated such an area of land in each year upon the homestead as is satisfactory to the minister, and to be a British subject.

Now, I want to call to the attention of the House a very beautiful prospectus, lithographed in colors, that is sent out under the official frank of the Canadian Government by the minister of the interior. I received the copy I hold in my hand only two days ago under the official frank of the Dominion. It shows on the front page a picture of a farmer going out to his daily work, and on the first inside page the Canadian Government has inserted this boastful statement:

During the year 1910 there were 48,250 homestead entries, as compared with 37,061 in 1909, or over 30 per cent increase. Fourteen thousand seven hundred and four were made by former residents of the United States.

Simultaneous with the issuance of that statement by the Canadian Government we have an official report issued by our own Secretary of the Interior showing that the homestead entries of the United States, instead of increasing 33⅓ per cent, decreased 33⅓ per cent during the past 12 months. Now, our Public Lands Committee considered this bill. They said perhaps there will be opposition to a three-year homestead bill with six months leave of absence. They said we had better cut it down to five months. I want to say to this House that I shall offer an amendment to put it back to six months, the way it came from the Senate, and that is the way it should be passed through this body. I have no objection to the amendment asked for by the Secretary of the Interior that these entrymen be permitted to be absent each year under regulations to be prescribed by the Secretary of the Interior, but I do object to his proposition that they be permitted to be absent only four months.

You must remember that a man can not file upon a homestead on the outskirts of any city. He must go into the wilderness and file upon a homestead. It takes him two weeks to get ready to go there. It takes him two weeks to get back to some point where he can work upon a salary, so that four months' leave of absence each year, as recommended by Secretary Fisher, would really only mean three months, and the five months' leave of absence recommended by the committee would really only mean four. Therefore when the bill is read for amendment I shall ask the House to increase the period that the entryman may be allowed to be absent from his claim to six months, the same terms given by the Canadian Government, the same provision that was in the bill when it came from the Senate, and the same way that the homestead law was construed during the time that the great West was brought up to its present standard of development. Now, while we have in Oregon 17,000,000 acres of public land subject to homestead entry, more than one-fourth of that great State, yet no one goes to file on the lands, because they are sagebrush lands or very rough, hillside lands, and the average American citizen is not willing to say he will file upon a quarter section of these lands and spend his time, labor, and energy for five years, and then be held up by the detective division of the Interior Department for five years more before he shall receive his patent. Those are the conditions under which homesteaders have been driven from the public domain of the United States and driven into the Dominion of Canada during the past six years. Sixty-nine years ago the inhabitants of the Territory of Oregon, made up at that time of Washington, Oregon, Idaho, and parts of Montana and Wyoming, held a meeting at Champooeg when the right to govern that Territory was disputed between Great Britain and the United States. They held this meeting at Champooeg to determine whether or not they would organize and give their allegiance to the Union Jack or to the Stars and Stripes. A few settlers who had gone across there from Missouri and other Middle or Eastern States were pitted against the French and the Hudson Bay Co.

The meeting was held in an open field in the Willamette Valley. Old Joe Meek, a man who was born in Virginia, who

lived a few years in Missouri, and then went to Oregon, was the leader in that open convention for the United States. A motion was made to organize a civil government of Oregon Territory under the jurisdiction of the United States and by the chairman of that meeting, who had been selected by the Hudson Bay Co. was declared lost. Old Joe Meek stepped off to one side and called upon every man who favored the United States to come with him. He demanded a division, and upon that vote there were 52 for the United States and 50 for Canada. [Applause.] I want to ask you gentlemen to conjecture what that vote probably would have been had the pioneers of that day been treated as the settlers have the past few years.

In 1878 the first appropriation was made for special agents. It was only $12,500. It has increased year after year as the public lands grew less, until year before last Congress appropriated $1,000,000 for special agents to harass the poor homesteaders upon the public domain. This year they are going to ask for $750,000, or, in other words, as the public lands have decreased in amount the appropriation for these young men to go out there and ride around in Pullman cars, smoke good cigars, and throw their feet on mahogany desks in the Federal buildings of those western cities, in order to annoy homesteaders, has increased proportionately.

Now, these special agents have been sent out there for a specific purpose. A great many of them have been selected from graduating law classes of the East.

Mr. MADDEN. Does the gentleman wish to have the House understand that it is the business of the Department of the Interior to send men out for the specific purpose of canceling homesteads?

Mr. LAFFERTY. I say it is the predominating idea that every special agent has when he leaves Washington, and he gets it from the General Land Office.

Mr. MADDEN. The gentleman stated that is what they went for. I understood that they went there to investigate conditions and——

Mr. LAFFERTY. And they try to find from the conditions that the homestead ought to be canceled.

Mr. MADDEN. Does the gentleman understand that the Secretary of the Interior sent these men for that purpose?

The CHAIRMAN. The gentleman's time has expired.

Mr. MANN. Mr. Chairman, I yield five minutes more to the gentleman.

Mr. MADDEN. I think that is an unfair statement, and I do not think it ought to go unchallenged.

Mr. LAFFERTY. I am glad the gentleman has challenged the statement, for I know whereof I speak. I was appointed an agent of the General Land Office myself on the 1st day of January, 1905. I was prosecuting attorney in the State of Missouri. I came to Washington, and the chief of the special-agent division told me he wanted me to go to Oregon and investigate homestead entries in certain areas. He said they were reeking with fraud, and he put me down with several clerks of the special-agent division for instructions, and I got the idea that nine out of ten of these homesteads were crooked and fraudulent and that the holders ought to have their entries canceled, and I went to Oregon imbued with that idea. When I arrived in that State, on the 1st of March, 1905, and went out into the interior and saw gaunt men with ragged clothing and children that were half fed upon homesteads, where they were being held up and harassed, I sent in a report, which is now on file in the Interior Department, saying it was not the 160-acre man that was defrauding the Government, but that it was the timber corporations, scrip people, and railroad land-grant companies. I said then that more liberal laws should be passed.

I say that these special agents should be replaced—these young college boys—with grizzly old surveyors and pioneers, who should be employed as Government agents and stationed at the land offices of the West to meet the homesteader from Indiana, from Illinois, and from other States when they get off the train, take them out and show them where they can file upon a homestead, aid them in every way in acquiring a home, and not have this great and magnificent Government, composed of 92,000,000 of people, the richest country in the world, that owes its greatness to the pioneer spirit of its people, stand up here through its Representatives and say we are afraid our homesteaders are going to perpetrate some great fraud on the Government.

During six years of practice in Oregon I have not found a single case where a homesteader has been prosecuted on the ground that he took his entry for the benefit of somebody else. The complaint of these special agents always is that he did not cultivate enough ground to suit them, or his house was not as palatial as they thought it ought to be.

Here is the difference over in Canada. They give in this document practical instructions. Listen to this just a minute. I want to conclude with the reading of it. Here is this prospectus sent out by the Canadian Government, and our detective department of the Land Office would do well if it would spend some of its time getting up a similar document to send out telling these poor people what to do:

"The man who has less than $300: This man had better work for wages for the first year. He can either hire out to established farmers or find employment on railway construction work. During the year opportunity may open up for him to take up his free grant or make the first payment on a quarter section that he would like to purchase."

And they tell the man who has $600 what to do in this language:

"The man who has $600: Get hold of your 160-acre free homestead at once, build your shack, and proceed with your homestead duties. During the six months that you are free to absent yourself from your homestead hire out to some successful farmer and get enough to tide you over the other half of the year which you must spend in residence upon the land. When you have put in six months' residence during each of three years, and have complied with the improvement conditions required by the land act, you become the absolute owner of the homestead."

Now, if those terms were offered in the United States we would have no trouble. [Applause.]

Mr. FERRIS. Mr. Chairman, I yield 10 minutes to the gentleman from New Mexico [Mr. FERGUSSON].

Mr. FERGUSSON. Mr. Chairman and gentlemen, what I shall say on this bill will be from the standpoint of New Mexico, with whose conditions I am perfectly familiar.

We have a State which is enormous in extent, and which, as one gentleman remarked of the West generally, has had its public lands culled over for more than 50 years. What is left is practically arid lands. We are upon the great plateau of the Rocky Mountains. The land laws applicable to States for which they were originally enacted, like Iowa, and which have brought those States to such a high plane of civilization, the lands distributed into homes for the multitudes, with its wonderful production of all the products of the soil, have made those States especially fortunate—the Middle West, the wonder of the world.

We must not be understood in advocating a modification of the homestead laws as applied to the arid States of the West as making an assault upon the wisdom and success of the homestead laws as operating in the past. Those laws were made by statesmen of great ability who could foresee what the laws would do, and we have the proof before our eyes of what they were intended to do in the happy homes with which those States are dotted.

But such lands are now exhausted. The great wave of immigration after settling the Atlantic coast has with steady progress covered the whole of the great Middle West, and is now reaching out into the arid sections, into what was known, when we studied geography as schoolboys, as the Great American Desert, and they find conditions absolutely different from what they were in these States, which have been so successfully settled under the homestead laws as they were.

This great tide of immigration has overflowed the Southwest as well as the Northwest, has filled up Arkansas, Oklahoma, Kansas, and Texas. It has lately penetrated in full force eastern New Mexico, and we who have lived long in that State know that the conditions are so radically different that the original homestead laws are no longer applicable, as the people of my Territory that then was and State that now is have found out by bitter experience.

Instead of grudging to us—if any of you feel like opposing the slight changes in the homestead law proposed in this bill—instead of grudging to us these slight changes, you gentlemen of the Congress which have the destinies of this whole Government in your hands, ought to aid us, ought to inform yourselves fully of the conditions as they are and as we know them.

Do not think this movement is in the interest of speculators or solely for the benefit of the arid States. The great congestion in the cities and in the manufacturing regions of the East and the great Middle West, the longing of many of those who are having such a bitter struggle for existence to acquire homes in the far West, where alone Government lands are yet to be found; also the descendants of the first pioneers who settled up the great States of Ohio, Indiana, Illinois, and the great Middle West generally—all these citizens of the Republic have their eyes upon the West; and it is in their interest rather than in the interest of those who have already, under great difficulties, tried to settle up the arid States. It is for the overpopulated Eastern and Middle Western States and for the benefit of those who long for homes of their own, and the independence

that goes with homes, that we beg you to believe us when we tell you that the changes of the rigors of the homestead law are in the interest of the whole country and not of any one section.

Another thing, the immigration to Canada, where it is so easy, under their homestead laws, to acquire lands, has lately been profiting every year in greater and greater proportion at the expense of the arid West; and this, not because our lands are less fertile, but because the rigorous application of the old homestead law to the different conditions in the arid West have bitterly discouraged these pioneers that have penetrated our borders, and you must be warned, in your disposition to be conservative and adhere to the old forms and prevent fancied speculation in public lands, not to let such considerations as these make you divert the great tide of immigration that is longing to overflow the arid West, of which New Mexico is the center and a typical State, and divert that tide to a foreign country. Is it not a shame that citizens who desire homes under their own flag must go to British Dominions in Canada to find what our own laws deny them?

You ought also to be assured that while once in a while a man tries to take up a homestead with other intention than to make his own home on it, yet such a case is the exception. The vast majority honestly intend to make their homes on the land they take.

I do not care to go into the details of the small changes made in the homestead law, but will leave that to the more experienced members of the committee and of this Congress. The fact is that I consider any precaution that may be necessary to assure that these lands shall be taken up only for homes as not the vital question here. It is that the Members from the Eastern States and the Middle West, who are not acquainted with our conditions in the farther Western States, like New Mexico, should inform themselves and see what we assure you is known to be true from experience, that to refuse to modify the rigors of the homestead law will be absolutely to deny to these States the great good fortune that has come to the States farther east, in allowing them to be filled up with that class of citizenship, the highest in the world, where each one owns a home.

The present bill makes practically only two changes from the old homestead law—first, to reduce the time of occupation and use, before patent can issue, from five to three years, and, second, to allow in each year a liberal absence from the land. Three years is ample to show good faith, especially when it is remembered that a settler on the arid plains of the West has not only to clear his land and plow it and fence it and build his houses, as settlers had to do in other States, but, in addition, he has to brave the terrors of very little rain, comparatively, at the best, and sometimes of a drought extending for an unbroken period of a year or more. The prospect of having to endure these hazards for five years tends to deter the stoutest heart. Many who have exhaustively tried it have had to leave, because, without the extension of credit and title on which to borrow to help him in times of drought, many thousands who have actually tried have forfeited their fences and their houses and their labor expended in cultivation simply because they could not win. Three years holds out hope a little nearer and a little brighter, and, coupled with that, the prospect that if a drought strikes him he can leave the land, either to go back to the States and work for money with which to try again the next year or get work in the neighborhood, in the cities or on the railroads or irrigated sections near his entry.

I do not see how anyone can excuse himself for not supporting at least these changes. They are not nearly what we need, but they are a start and a considerable step in the right direction. These changes will not enable us to fully settle up New Mexico as rapidly as the on-coming tide of immigration would settle it up under more favorable conditions, but they will help.

Mr. BURKE of South Dakota. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from New Mexico yield to the gentleman from South Dakota?

Mr. FERGUSSON. Certainly.

Mr. BURKE of South Dakota. Would not a modification of the existing law benefit many people who do not reside at the present time in the public-land States, people who are living in the States further east, who are seeking homes?

Mr. FERGUSSON. Unquestionably. I was just coming to that point.

Mr. HARRISON of Mississippi. If the gentleman will allow me, I was going to say that that is quite true of my State, of Mississippi.

Mr. BURKE of South Dakota. There are inquiries for public lands from all over the United States, and therefore this is a question which the Members generally are interested in the same as Members who come from these Western States.

Mr. FERGUSSON. Yes. I am obliged to the gentleman for the suggestion. We have an immigration bureau in New Mexico, which receives letters and inquiries coming from all over the United States—from as far east as the Atlantic coast, from the congested sections in the manufacturing districts in the East, as well as those westwardly and throughout the Mississippi Valley. You would be astonished at the number of people who are inquiring as to the possibility of getting homes in New Mexico, what the land laws are, how dry farming is succeeding, and so on.

Now, there are other points in which this law should be amended, which other changes, when the powerful Congressmen from the States farther east come to know them as we know them, will be certainly in behalf of honest homesteaders and not in the interest of speculators and the great corporations. The great cattle ranges and sheep ranges of New Mexico of former times are being cut up and in a measure distributed by the inroad of the homesteaders. It was but a few years back that eastern New Mexico, almost a third of it in area, similar in character to the great plains of Oklahoma and western Texas, was the sole and undisturbed domain of cattle and sheep.

I know one city on the eastern plains of New Mexico which six years ago had no being, yet is now a prosperous city of over 5,000 people, and the landscape in every direction dotted with farm houses of the homesteaders. Many of these, unfortunately, have been lost to the original entrymen because of drought and the rigors of the homestead laws of which we are complaining.

In this eastern section the tide of immigration, the forefront of it impelled forward by the thousands behind them, try dry farming, or scientific farming, more properly called. The principle of this system is intense cultivation: First, to make a pan or bottom below the cultivated soil that would tend to hold the moisture from sinking too deep; and, secondly, to so continuously cultivate the plowed soil as to make it like dust to prevent evaporation and hold the little moisture that does fall around the roots of the plants. This takes many times as much labor as to raise a crop where there is ample rainfall, and when the crops fail for lack of any rain at all the settler should have time allowed him from continuous residence to make a living for that year somewhere else.

I have stated that the homestead laws would vastly facilitate the settlement of the arid west and fill it with prosperous and happy citizens the more quickly if further liberalization of the homestead laws be enacted by Congress. I believe that the homesteads in New Mexico ought to be made as large as 640 acres, because what the settler could not reduce to actual cultivation for crops he could use for his private fenced pasturage. That would help him conquer the rigors of his situation and make himself a home.

I also believe that the requirement in the enlarged-homestead law of 80 acres' cultivation each year is absolutely prohibitive of acquiring a title to a settler. I believe that the acreage of cultivation should be almost nominal; certainly not more than would be necessary to show good faith. I believe, also, that the law permitting a homesteader who took 160 acres under the old law should allow him to take an additional 160 acres under the enlarged-homestead act elsewhere than contiguous to his first entry. In fact, this requirement of making his second 160 acres contiguous to his first is unequal in its operation and therefore unjust, because many a homesteader can find no public land contiguous to his first entry, and he is barred entirely as the law now stands.

My experience of almost 30 years in New Mexico makes me feel that liberalizing the homestead law in the direction proposed in this bill and in the direction of the suggestions that I have made will cause New Mexico to become, in a period of time so short as will be surprising to those who still think of that section as the "Great American Desert," one of the great States of this Union—great not only as a mining, grazing, lumber and coal producing State, but also great as an agricultural State.

Mr. FERRIS. I yield five minutes to the gentleman from Missouri [Mr. RUBEY].

Mr. RUBEY. Mr. Chairman, it is not my intention to discuss this measure at length. I would not discuss it at all, except for the fact that I am a member of the Committee on the Public Lands, and that my sympathies are with this sort of legislation.

In my State there are less than 2,000 acres of public lands. Our people are interested in this sort of legislation only because they are interested in the general upbuilding of the entire country.

This bill has been introduced, and we are seeking to pass it for the purpose of giving to the homeseeker a better opportunity

to win for himself a home, and to win it with the least possible hardship. It is a bill which, in my opinion, has a great deal of merit, and will be welcomed by the poor men living all over this land who are desirous of going out into the western country and locating homes for themselves.

When the boy comes into the world he comes into his home. As he grows to manhood the first thing he thinks about, the thing that interests him most, is that he wants at some future time to have for himself a home. After he has grown to maturity and made for himself a home, after he has reached old age and is ready to pass out of this world, the last thought which comes to his mind is expressed in the hope that he may be carried safely to his eternal home beyond the skies. [Applause.]

I say to you, my friends, we are here to-day legislating for the man who is seeking a home for himself and his family. We are told that he can go across the border line into Canada and there receive far better treatment than he receives here upon his own native soil. I sincerely hope that we may change those conditions; that we may make it so that the man who is anxious to secure for himself a home may go out from Missouri, from Illinois, or from any other State in this Union, settle upon a little piece of land, perfect his title by complying with the law, and know when he goes there that he will get that home within the short period of three years.

It is very important that the homeseeker should know exactly when his one great aim is to be consummated. He wants to know that within a short time, say, three years, he will be able to receive his patent from the Government, and that when he has had it recorded he can take it home, give it to his wife and family, and show to them his title to that little farm that they themselves may say, "Now we have a home of our own."

Mr. LAFFERTY. Is the gentleman aware that it now requires at least six months for a patent to be issued after the final proof is made?

Mr. RUBEY. I am aware of that fact, and I am aware of the further fact that under the present laws, and the conditions under which they are administered, when a man makes his entry he has no idea when he will get title to that land. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. FERRIS. I yield 10 minutes to the gentleman from Ohio [Mr. Cox].

Mr. COX of Ohio. Mr. Chairman, on last Wednesday I opposed the bill then under consideration, which had been reported to this House by the same committee which has submitted a report on the bill now under consideration. I opposed that measure because I am not in favor of any perpetual franchise grant. I opposed it, too, for the further reason that it seemed to strike at our established policy of conservation.

Conservation, homesteading, and all such questions create substantially the only sectional issue known to-day in this country. The viewpoint is determined entirely by one's local perspective. If we in the East—and I call the Middle West the East, because with respect to these questions we are doubtless dominated by the eastern idea—if we had one-third of the area of the State of Ohio set apart as Federal reserves, we might then be disposed to see the propriety of the viewpoint of the Members from the great western land States. If, on the other hand, you gentlemen of the West lived in the East or the Middle States and saw how the great natural resources of the country had been wasted, then you might appreciate at least the sincerity of our position. Now, since this difference in view does in some degree create more or less of a sectional issue or question, I believe we should approach this measure with a good deal of moderation and with a disposition at least to recognize the other fellow's viewpoint.

And while, as already stated, I opposed the bill under consideration last Wednesday, I am just as earnest now in advocacy of the passage of this bill as I was in opposition to the one of a week ago, for the reason that the bill now under consideration has a broader significance. It has to do with the vital interests of every community in the land. It touches the element of food supply. It comes to individuals in practically every community, because, after all, the great western country attracts many of our people from the Middle West. Their aspirations are centered in the homestead projects.

Let us see what this general situation is in so far, at least, as it presents itself to a Member of Congress east of the Mississippi. We have many requests for information about public lands coming from different classes of people. We find a man, perchance, who has been working for a long time in the shop. He has been able to make a bare living. He sees the absolute hopelessness of any ambition in the matter of acquiring for himself a future competency. Perhaps his children have gone through school, and, their education being complete, he sees in the West an opportunity to gain a home for himself and his wife. Then we have, perhaps, a widow with several children. She desires to have them brought up free from the temptations of the larger cities, and she is attracted to go out West and bring her own up closer to the soil.

We have applications from men suffering from ill health, who desire the best panacea and the cheapest remedy—that afforded by nature. Such a man, perchance, is attracted to the West. Then we have a newly wedded pair, whose hopes and plans carry them out into that great western country. It is essentially the outdoor period, and this tendency is a hopeful sign of the future.

This, I think, practically comprehends the whole situation, and I see nothing in this phase of our present-day life to suggest any conspiracy against the Government. I see nothing which justifies a belief on the part of any person that many of these homesteaders are not inspired by the home-creating instinct. It should inspire the reverse of governmental distrust. The law which this bill seeks to revise or amend is 50 or more years old. We have it from eminent authorities, from ex-President Roosevelt's commission, from the Secretary of the Interior, from Mr. Pinchot himself—and I yield to no man in this House in the estimate which I place upon his unmeasured services for good—in fact, every person competent to know concedes the propriety of the old homestead laws being revised.

It has been shown here many times to-day, and with more force and accuracy than I can state it, that 130,000 Americans, approximately, have gone across the line into Canada within a year.

Now, let us analyze that just one moment. None of us will concede that they look with favor, in the first instance, upon surrendering their citizenship here and becoming subjects of the King of England. We know that is not the impulse which inspires these people to go there. We know that the advantages of climate are not the ruling consideration, but we find, as a matter of truth, that they are going there because the governmental concessions are greater, the laws more liberal.

The man who takes up a homestead in the western country goes there to acquire the very thing which he has not got, and that is material means and resources. He goes on this arid or semiarid land, builds, perhaps, in the first instance a shack. He buys a cow and a pig or two, and time goes on when he must add to the physical equipment of his farm. His energies and the best endeavors of his mind and of his hands have been placed in this little domain which ought to be his own, but the Government retains a string to it.

The time comes when he seeks to borrow money on the substance that he has added to that homestead. Then he is confronted with a singular circumstance. He finds that the assets he has worked out by his own efforts are not accepted as sufficient collateral at the bank. The bank says, "The Government does not trust you, the Government does not see fit to give you this land, why should the bank trust you?"

Now, Mr. Chairman, I want to close with this one thought: When Bismarck came into control of the destinies of the great German Empire he found that the thing militating most against the best interests of that country was the flood of migration from Germany. He sought to stem it, and he did so. How did he do it? He humanized the laws. We say now that we should equalize the land laws. I say to my colleagues that we should humanize the homestead laws. We are making this mistake in our legislation; we are dealing with things in the abstract; we are absorbed with matters impersonal; whereas we should bring our legislation down closer to the human unit, down closer to the activities of individuals and communities. We have, perchance, at times flown in legislative airships very far above the man working out his salvation in the soil. I earnestly hope that this bill will pass. I think it should be amended, however, and all utilities, or substantially all the utilities, except the agriculture, reserved by the Government. [Applause.]

Mr. FRENCH. Mr. Chairman, one of the most remarkable phenomena in connection with the population of the United States during recent years has been the exodus of a considerable number of our people to the Dominion of Canada.

These people have migrated from all sections of the country, but more especially from the north Central States. This matter has been referred to over and over again by Members of Congress.

It has been the subject of attention of our magazines and newspapers. It has attracted the attention of the committees having to do with legislation in which Congress is interested. Last year more than 130,000 of our people went to Canada and the year before an almost equally large number.

I have not the slightest doubt—in fact, I am absolutely satisfied—that the difference between the land laws here and the land laws there constitutes the cause for this migration, and that vast numbers of our people go to the Dominion of Canada because they believe that they will better their conditions by the acquisition of agricultural lands.

I realize the great pride that the citizens of the United States take in their citizenship. I realize that no one goes to Canada or to any other country who does not do so with a feeling that a sacrifice has been made by him in the surrendering of all that our country means and that for which the Stars and Stripes stands.

Admitting that the best lands within the United States have been taken and are now occupied as the homes of many people, we are asking the thousands of people who are anxious to obtain homes under the various land laws to accept harder conditions and more severe restrictions than is asked by the Dominion Government.

How strong must be the influences that draw people from the United States to Canada from the standpoint of the building up of a home when they are required to lay aside American citizenship, and how strongly does this suggest that inequalities of opportunities under the public-land laws must be greatly in favor of settlers in the Dominion of Canada than in the United States, else this would not occur.

WISDOM OF HOMESTEAD LAW.

Prior to some 10 or 12 years ago it was the policy of our Government to encourage the acquisition of public lands by private individuals under the various land laws. It was regarded that the United States could well afford to part with its public lands with the minimum of cost to the settlers, providing they would be used as the basis for home making, and that as a recompense our country would receive the benefits of a wider citizenship made up of prosperous people with taxable property.

How great the wisdom of those who enacted the homestead law 50 years ago and the officers of our Government who administered it may be evidenced by the prosperous stretch of country extending from the Mississippi Valley to the Pacific Ocean; by the lines of railroad that have been constructed; by the cities that have been built and by the millions of homes that have been established in that land that was looked upon as the Great American Desert when our fathers attended school and studied that part of the geography that told of the great West.

OVERZEAL IN CONSTRUCTION OF LAW.

Some 10 or 12 years ago this policy was modified. It was modified, not by the repeal of the homestead law, but by the reading into the law of meanings and constructions that prior to that time had not been regarded as being comprised within the statutes and contrary to the decisions that had been followed for many years by the department having in charge the administration of the law.

It is probably true that during some periods of the application of the homestead law it was administered in too lax a manner. It is undoubtedly true that some abuses had arisen, largely on account of the administration of the law, and it is true that other land-law abuses crept in, to which the attention of the country was directed a few years ago. But admitting that all this is correct, it does not suggest that in the application of the land laws they stand upon any different plane whatever from the application of the laws touching our revenues, touching our immigration, touching all the various lines of activities with which States or the United States has to do.

In attempting to correct the abuses under the revenue laws we have not stopped the importation of goods from foreign countries, though we have been outraged at the disclosures that have been made in the administration of the laws in New York City. We have not abolished the policy of collecting internal revenues, though we have been ashamed of the numerous instances where the law has been flagrantly violated.

We have seen people enter our country from foreign lands who could in no way measure up to the requirement of those permitted to enter or against whose entrance there was a distinct prohibition, and yet we have not closed our doors to the entrance to the United States upon the part of the desirable people from other lands. Yet when it comes to correcting the abuses in the administration of the land laws of the United States we have not only riveted the attention of the country upon the particular wrongs that have been committed, but in the execution of the law we have swung to such an extreme that the law itself has become a burden upon those who would seek to avail themselves of its provisions.

HARDSHIP UPON HOME BUILDER.

Year after year 20 per cent and more of the persons entering lands within the United States have failed to complete their proofs because the requirements of the law were too hard and they could not meet them. Thousands of others have been compelled to spend of their means, money that they should have used in developing and improving their lands, in trying to establish before the land offices that they had done the best they could under the circumstances and that the charges that were made against them were not founded upon fact.

Last year the report of the Commissioner of the General Land Office shows that not less than 16,000 cases that were investigated by the department were finally passed to patent because the charges that were inquired into could not be sustained.

I do not propose to go at length into the question of administration of these laws, which undoubtedly has been in large part in response to the public sentiment of the East, but I do suggest that the unequal competition between the United States and Canada on account of the administration of the land laws is the largest factor that is responsible for the hundreds of thousands of people migrating from the United States into the great country to the north of us.

More than that, the Dominion of Canada is offering every encouragement to build up its population by drawing from us the high-class citizenship that should remain a part of us.

Instead of there being a call to-day for more rigid provisions being added to our land laws and more rigid interpretation of the laws as they now exist, every reason that is worthy of consideration suggests greater consideration in their application and more reasonable discrimination in their administration, to the end that they may better satisfy the conditions of to-day.

THE WEST STANDS FOR LAW ENFORCEMENT.

The West is as intense against illegality under the land laws as is the East. It would be unfair to say that the citizenship of New York stands for violation of the customs laws, that were recently disclosed in the sugar scandal, and it is just as unfair to assume that the West stands for criminal practices in the administration of the land laws, just because the lands of the East have passed into private ownership and the land laws have application to the Western States.

Those of us who are urging the modification of the homestead law in order that more reasonable terms may be given to the homesteader are as earnest in the protection of our lands against their acquisition by fraud as can be any of our brethren in the East.

I am not here to defend the wrongdoer, whether he be dealing in public lands or in any other business, and I will go as far as any Member of this House looking to the protection of our public domain against those who would perpetrate frauds upon our Government, but I do plead for the honest settler who in good faith, amid stern and severe surroundings, is trying to establish a home for himself and family.

CONDITIONS, OLD AND NEW.

Our best lands are gone. They are in the hands of private individuals, and whatever lands remain are part of the public lands, because they are not so good, by reason of soil, the rugged character of the land, or the necessity for expensive means of subduing them and making them available for agriculture.

It can not be urged that because the settlers upon lands 20 years ago found it to their interest to reside upon the lands constantly or most of the time that this provision shall be arbitrarily enforced upon them to-day. Conditions now are vastly different. Let me illustrate. The very reason that makes it necessary to-day for our Government to provide some system by which reclamation can be carried on in a comprehensive manner as under the general reclamation law and the Carey Act, that was passed by Congress even before the reclamation act was passed, suggests the difference in conditions. The necessity for these laws arises from the fact that the smaller irrigation projects have been completed.

No longer can one settler take up a homestead or a desert-land claim or a timber culture upon the banks of a stream and by his own means or by joining with a half dozen neighbors construct an irrigation system and reclaim the land.

Lands thus favorably located are no longer generally available, and even in places where apparently desirable lands exist water can not be applied excepting by the construction of reservoirs and ditches and reclamation works, at a cost, may be, of hundreds of thousands or millions of dollars.

A single dam may cost a million or two million dollars, a reservoir may cost another sum equally as great, and the canals and laterals to complete the system not less in amount.

The canals and laterals of a single system in my State which has been completed under the provisions of the Carey Act, if added end to end would form a waterway stretching from New York City to Chicago.

Let me make another illustration. In the northern part of the State that I have the honor to represent a condition exists

that is similar to the condition that exists in many areas in the West. Much of the land that was taken as homesteads prior to 10 or 15 years ago was land such as is now included within reserves and was covered with timber of various degrees of value.

At that time this timber had little market value. The highest and chief use of the lands did not exist on account of the timber, but on account of the possibility of the lands for agricultural purposes.

At that time the settlers on such lands found it far more satisfactory to live upon their homesteads than now, because of the administration of the laws and the conditions that existed at that time.

In the winter the settler had no hesitancy in cutting timber from his land to be made into lumber or to be worked up into wood, and by that means obtaining a small amount of money, which, in the language of the West, constituted his "wherewithall" for the bread and the clothing for himself and his family.

If he did not make this use of his timber, he made a less worthy use of it by drawing the felled trees up to each other and burning them so as to clear the land. To-day whatever growth may be upon the land can be of no particular assistance to the homesteader for two reasons:

In the first place, there is scarcely any land available for entry that contains timber; and if there were, it would be held to be not in harmony with the homestead law if the settler used the timber other than for his personal use.

Twenty years ago the homesteader and his family desired to live upon the land all the time, and there was constantly a small source of revenue from the land itself, even during the process of clearing it.

Again, vast areas were splendid rolling prairie lands covered with grass that furnished nourishment for cattle and horses during the summer and which even was put up as hay for the wintertime.

The process of cultivating the land could take its time and the vast area of range was available for public use, while the home and the inclosure of the homestead could be used for the nucleus of food supply for the stock of the homesteader and the place where his domestic animals could be fed during the winter season.

In fact, whether upon land that was covered with timber, but available for agriculture or upon land that was prairie in character, it was not a difficult thing for the homesteader to live upon the land almost 12 months in every year, and this he desired to do.

Or if the entryman desired to go away from the land for a few days or a few months to work in the harvest field in the summer time or in the lumbering camp in the wintertime, nothing was thought of this absence, but so long as his main purpose consisted in applying that which he was making for the building up of his home, he was regarded as complying with the law in the spirit in which it was written.

The result of this policy was well-cleared and highly improved farms, and in all the West the most of the land area is owned, not by large landholders, but by the small home builder whose residence is on his land and whose worldly possessions are there.

After all, this constitutes a tolerably good test of a land-law system. No matter what may be said of our timber laws or of our coal laws, no one can successfully contend against the general wisdom of our agricultural land laws and the tremendous good that their administration has brought about. More than this, no one can seriously urge that the homestead law has even been the innocent vehicle in the perpetration of any considerable land fraud.

To-day the homesteader is hampered by not being permitted to dispose of any timber that may perchance be upon his land other than in such a manner as will enable him to build his home, his fences, and make other immediate improvements, as well as provide fuel for the household use. He may cut down standing trees and burn them in clearing his land, but he may not sell the logs or work the tops up into wood to haul to market.

To-day if he absents himself from his homestead, though his purpose may be to earn a little money for the development of his land and for the maintenance of his family, he is not sure that he will not be involved in a land contest charged with having entered the land in bad faith.

His absence is construed against him, and is made the basis of the contest, and it is alleged that this absence is proof complete that he has entered the land for the purpose, not of making it a home, but as the basis for speculation.

I have in mind at this time a case in the hearing of which the Government brought out the total days of absence that the entryman was required to be away from the land when compelled to go to town, about 24 miles away, over bad roads, in order to bring out his provisions, and when he made the trip in three days. I mention this to suggest the extreme position to which we have drifted in the application of our public-land laws.

The fact of the business is, under the old system of reasonable administration, there was, as a matter of fact, greater incentive for the settler to be personally present upon his land, and I am satisfied that in spite of the stricter administration of the law to-day, there was a greater average personal presence at that time than now, because under the present system you make it impossible for him to be personally present all of the time, and then you cancel his entry in denying him patent after he shall have made his homestead proof, because a human being in order to live requires food, and in a civilized country requires clothes.

THE MAN BEHIND THE PLOW.

Mr. Chairman, to cover all phases of this important question would require a good deal longer time than I have at my disposal. I want to call attention especially to the necessity of this bill from the standpoint of the man who will be benefited by it, as he lives on the land. I think I am fairly well prepared to speak from that standpoint, because I know what it is to follow the life of a pioneer, as nearly all my life was spent in the West in pioneer days. I know what it is to fight the forest fires with my neighbors to protect our property and homes. I know what it is to clear lands of logs and stumps and brush. I know what it is to "grub" out the roots of the underbrush, and I have worked at it day after day and followed this up by trying to hold the plow in cut-over land when it was full of stumps. I know what it is to be one of a number of citizens to gather at a new home and help a member of the community to build his house, and we called it a "raising bee." I say that it is from the standpoint of a homesteader and home builder that I especially want to call attention to the benefits of this bill.

RAINFALL-BELT HOMESTEADS.

What are the conditions to-day? The lands may be divided into two classes—those in the rainfall belt and those in the arid belt. The Government has withdrawn nearly all land that is available for forestry purposes in great areas called forest reserves, and there is scarcely an acre to-day available for entry that contains even a small amount of timber that has not been withdrawn and placed within a forest reserve. In fact, hundreds of thousands of acres whose chief use is agricultural have been withdrawn and will be from time to time restored to entry because it is more valuable on account of its agricultural character.

I mention this to call attention to the fact that where hitherto a homesteader was able to make a few dollars every year by utilizing wood or timber upon his homestead, to-day he is denied that privilege. Again, for a man who might acquire a homestead there is little pasture land for the use of his stock in the summer time, permitting the homestead to furnish the food supply for the stock in the winter season. That condition has been eliminated, and in the rainfall belt it is almost impossible to find a tract of 160 acres that has even 40 or 50 acres of good, tillable land upon it. The rest of it is waste. The homesteader simply takes it at this time because it is the best that is available, the best of the public domain having been selected years ago.

DRY FARM HOMESTEADS—PRIME CONSERVATION.

There is another class of land in the arid belt that is farmed without irrigation, known as the dry-farming land, and the homestead law would apply to that. This land is farmed by making the moisture of two years serve the purpose of raising one crop. Just a word with regard to how that is done, because that is prime conservation. A farmer will do what we call summer fallowing one year. After working the ground over two or three times by plowing, with a harrow, and dragging it, along in August or early September he will sow his grain, and as the fall rains come the grain gets a very good start before the winter months put a stop to plant growth. The snows prevent the grain from freezing out, and when the spring opens the grain, with that much advantage that it has over spring-sown grain, is able to grow to fair maturity before the drought of the succeeding months inevitably sets in. The result is a fair crop, even under present conditions, without irrigation in the semi-arid belt. But you must recognize this fact, that the homesteader needs twice as much land there as he would otherwise need, because the land can serve him by producing only one crop every two years.

MAKING THE DESERT BLOOM.

The homestead law, then, will apply to two other classes of lands, both of which are in the arid belt. The first where reclamation may be made by means of private or small projects. The lower lands and benches along rivers and streams in arid regions upon which waters could be turned by the construction

of simple ditches and dams were entered for the most part 20 and 30 years ago.

The next class of lands to be reclaimed by private enterprise were those that were situated on a bench or valley under a natural reservoir site. They could be developed and worked into the basis of an irrigation system by the work of a comparatively few settlers. These lands, too, have been acquired.

In my State—and what is true there is true in many States in the West—there exists to-day a certain class of land in the arid belt where individual enterprise will develop a small irrigation system that will fairly suffice for the watering of the land. A farmer, a homestead entryman, will take up a piece of desert land. It lies so high that he will be absolutely out of reach of water that could be diverted upon it by the highest ditch, and he will construct a few reservoirs on his land, from 50 to 100 feet in area and from 8 to 15 feet deep, arranging his reservoirs so that they will collect the surplus water for as large a drainage slope as is possible, and building something like four to six or eight reservoirs of that character upon his homestead. By means of his reservoirs and the use of a gasoline pump and the digging of ditches he will be able to utilize water in the dry season for the production of his crops.

I know of many farms of 160 acres that contain a number of reservoirs such as this on each and that are irrigated during the dry seasons by means of the water conserved during the winter months.

Very little land, however, remains that can be reclaimed in this manner, and whether much or little remains that can be reclaimed by private enterprise the cost of reclamation is so great that any homesteader will have expended, in all probability, not less than $5 per acre and probably more nearly $20 per acre in the construction of his simple irrigation system.

In addition to this, the homesteader needs to comply with the provisions of the homestead law with respect to residence and cultivation. He must build a home for himself, and he will need to build barns and sheds, fences, and other improvements incident to the establishment of a residence.

Wherever lands may be reclaimed in this manner, as a usual thing there is no standing timber and the fuel expense and the expense for all building purposes are large items. The land, as a rule, is covered with a small growth, largely sagebrush mixed with juniper shrub, cactus, and greasewood, and this brush must be cleared away before crops can be raised.

All in all, the lot of the homesteader is a hard one, and I want to say right now that the class of people in my State that arouses my deepest sympathy and pity as I travel among them is the class of people who, in the face of the adverse circumstances that I have tried to indicate, are struggling to lay the foundation of a home.

As a rule the lands that can be taken, under the circumstances that I have mentioned, are miles removed from a railroad and markets, and consequently, even when patent may be issued, it will be some years before the lands will have any great commercial value.

HOMESTEADS ON NATIONAL RECLAMATION PROJECTS.

We now come to the other class of homesteaders under the great national reclamation law. The reason why that law was passed 10 years ago was because private enterprise had practically exhausted its means in the reclamation of lands. The smaller projects had been taken over and had been utilized. That made a condition where the reclamation of the land in any large degree would need to be reckoned in millions and not in hundreds or even in thousands of dollars, and the result was the passage of the reclamation law by the instrumentality of which millions of acres are to-day being made available for homes throughout the western portion of our country, and under a law which contemplates that the homestead entryman shall bear the expense. It is true that the first funds made available were funds received from the operation of the land laws in the public-land States, but that is merely in the nature of a loan, and the money expended will need to be paid back to the Government, and is being paid back by the homestead entryman who makes his home upon the lands. Now, what it is costing? In my State, and what is true there is true in all the West, the simpler irrigation problems have already been undertaken by the Government and those projects are being carried through at an average expense of something like $25 to $60 per acre, that amount being apportioned over a period of 10 years, and the homestead entryman instead of being required alone to comply with all the provisions of the homestead law must, in addition, if he takes only 80 acres of land, pay from $2,000 to $5,000 to the Government for his water rights and his share in the irrigation system. He will have several years to work that out, it is true, but a poor man who goes upon that land goes there with a very serious and difficult task set for him to accomplish, and if he can make good at it he would make good in any country wherever he might be.

Although he gets the land for comparatively nothing, he is required to comply with the provisions of the homestead law touching residence and cultivation and meet the expenses incident thereto, and then he is required to pay such a sum for the irrigation system as in many sections of the country would equal the value of the land.

In other words, in any of the regions where lands may be acquired under the provisions of the homestead law there is the minimum of opportunity for a person who is seeking to obtain something for nothing, and only the opportunity for the person who is willing to give much of his time, much of his labor, and much of the means he has accumulated or that he may earn for the laying a foundation of a home.

THE WEST'S GREAT NEED.

Now, what are we asking in this bill? Mainly the shortening of the time of residence required under the law from five years to three and the granting of a leave of absence of five months out of every year. I want to say that amid the conditions that I have outlined, any settler who is willing to go upon a homestead, live upon it for three years, do the work incident to subduing his land and making it available for a home, has earned the title thereto beyond the peradventure of a doubt. More than that, the provision that grants a five months' leave of absence makes for good and not bad. That is a provision that will make for the acquisition of the land, not by the speculator, but by the actual home builder.

There is some interest in the question of difference between the bill that came over from the Senate and the bill as reported by the Committee on the Public Lands touching the matter of absences.

The Senate bill provided that the entryman might be absent six months out of every year. The Secretary has indicated that, with this language, it would be necessary to strictly construe the law with respect to residence the other six months in the year.

The House bill provides, in lieu of six months' absence, that the entryman shall reside upon his land at least seven months in the year; and I have no doubt that the compromise that the House committee found necessary will provide a large measure of relief to the homestead settlers who are interested.

With the five months' right to be absent that the homesteader may apply at any part of the year, I say it will cause him to live on the land. He will live there for 7 months or 8 months if possible, or 12 months if possible, and he will not be in constant terror lest the mere absence of a little while will cause him to be involved in a contest or result in a cancellation of his homestead entry.

Now, let me say a word in regard to the suggestions of the Secretary of the Interior. I have great respect for the Secretary, and I believe that he earnestly wants to do that which will mean the best for the development of the West; but he he has suggested in his letter to the committee upon this bill, or, rather, upon my bill—which is identical to the one introduced by Senator BORAH—that it would be better not to modify the five-year requirement with respect to homesteads, but grant a two-year leave of absence after the entry shall be made before residence shall be required.

WESTERN CONDITIONS NOT UNDERSTOOD.

Those who urge the provisions of the proposed bill of the Secretary of the Interior in place of the pending measure can not understand the situation that exists in the West.

The proposed bill would permit an absence of two years at the beginning of the five-year period before which patent could be issued to the entryman. It would then require continual residence for a period of three years without any leave of absence being permitted.

This proposed measure can not be satisfactory, and while it might relieve the situation in some respects it would work mischief in others.

Much has been said with respect to relinquishment, and the opportunity for abuse of the relinquishment provision of the law, by those who desire to get control of a piece of land in order to dispose of it to an actual settler.

Frankly, and as one who has lived nearly all his life in the West, I think there is little in this criticism, for unless the first entryman does something to make his entry of more value than other lands he will not be able to get much for his relinquishment from any other settler, because the other settler could find equally as good land upon which he could make settlement without paying a dollar for the relinquishment.

If there is anything, however, in the question of abuse of the relinquishment feature of the law, the privilege of being absent

for the first two years after entry would certainly lend itself splendidly to such abuse.

There are times when a settler may find it necessary to relinquish—sickness, accident, a change of conditions, one of a thousand circumstances might make it necessary for any homesteader to relinquish, and he ought to have that right. On the other hand, no one should have the right to make relinquishment a business.

What could be better from the standpoint of a "sooner" than to let him enter upon land and have two years within which to dicker for the sale of his relinquishment? But, again, as I say, I do not think that there is much in this question under the provision that the Secretary suggests or under the law as it is at this time or the pending measure.

The proposed bill, however, granting two years' leave of absence to the homesteader can not serve the purpose that the Secretary desires unless the entryman shall be exceptionally fortunate, or unless he shall be a man of such means as would not warrant him to take the homestead in the first place, or if he did take it, would not need to be absent for two years or any time in order to raise a little money with which to develop his homestead and sustain his family during the next three years.

The homestead law is for the poor man, or rather it should be, and I submit that the average man without means can not in a period of two years of absence from his homestead, under ordinary circumstances, make a stake sufficient to carry him over the next three years within which he will be required to reside upon the land.

The proposed bill that I advocate would require the presence upon the land sufficient to show good faith, improvements that would make the homestead valuable from year to year, and yet would permit sufficient absence to enable the entryman to find work in the busy season in order that he might make a little money to be used in improving his land and for purchasing supplies for his family.

Hence, I say that the provision which has been suggested by the Secretary in lieu of that which is contemplated in this bill can not be compared with it, and will not result in great benefit to the people of this country.

Mr. BURKE of South Dakota. Will the gentleman permit a suggestion?

Mr. FRENCH. I will be glad to do so.

Mr. BURKE of South Dakota. Would it not also make it possible for a second entryman to relinquish the land?

Mr. FRENCH. It would be perpetual.

Mr. BURKE of South Dakota. It would be perpetual, and result in speculation in the public domain, which is not permitted now.

Mr. FRENCH. Absolutely not possible under the present law nor under that contemplated in the bill which is pending at this time.

Mr. LAFFERTY. I would like to know what the gentleman thinks of the impracticability of the suggestion that the bill be amended to prevent the homestead entries being made on lands that have timber upon them?

Mr. FRENCH. Well, I do not think that would cut any particular figure any more, because practically all the lands upon which there is a growth of timber have been included within the forest reserves; and, more than that, hundreds of thousands of acres of land upon which there is no timber have been included and will gradually be eliminated from the reserves and will be available for homestead entries.

Mr. LAFFERTY. I would ask if the gentleman is not opposed to any such amendment as that?

Mr. FRENCH. I would be opposed to it. At the same time we are shaping here a law that may not meet the wishes of all the Members of this body, and we will have to give and take, possibly, to get the legislation through. But I think there is so little timber on any land to which the homestead laws can apply that that matter is not worthy of consideration, and that that limitation is not worthy to be included within the measure we are considering to-day.

Mr. LAFFERTY. In this connection, if the gentleman will allow me, I desire to state that that is probably true of Idaho; but in Oregon, west of the Cascades, there are a great many lands that have some timber on them that are not really forest-reserve lands and ought to be reserved for homestead entry.

Mr. FRENCH. I think if the highest use of the land is for homestead entry that the homestead law should apply to that particular land.

Now, just one more word and I shall have done.

By passing this measure we will be doing much toward making the homestead laws of this country in large degree parallel with the homestead laws of the Dominion of Canada. Right in that connection I would state that we repealed a dozen years ago the preemption law of the United States. That law still obtains in Canada in nearly every Province, and the homestead entryman instead of being required to live on a homestead for five years in most of the Provinces proves up at the end of three years and is privileged to be absent six months out of every year. In addition, in most of the Provinces he has the privilege also of purchasing outright, by making certain improvements on the land, not to exceed 15 acres of cultivation every year, an additional 160 acres at the price of $3 an acre, making, as I said, a condition that is unequaled when it is compared with the conditions we are offering to the homesteaders within our own country.

WHO WILL BE BENEFITED?

Who will be benefited by this legislation? Let me tell you that for the most part the people who will be benefited by it are the people from your State, Representative from Iowa; from your State, Representative from Wisconsin; from your State, Representative from Tennessee; from your State, from whatever State it may be, in the East, South, or Middle West, from which immigration is going to the Northwestern States. These people desire homes, and it is not fair that when they go West they shall be asked to compete on unequal terms with their neighbors in the Dominion of Canada. It is true that these people will be benefited under this law after they shall have gone to the West, but it is true that most persons who will receive benefit of this legislation are from the constituencies of Members of this body east of the Missouri River.

Congress acted wisely when it passed the homestead law, and it will act with great wisdom to-day if it will make that law fit present conditions. This law is in the interest of the home builder. Look to the States of the Middle West and think of what they are to-day. Look to Iowa, to Illinois, to Minnesota, to Kansas, to Nebraska. There you will find cities that astonish the world in the rapidity of their growth. There you will find fields that supply not only the wants of the people at home, but whose grains are sent to the remotest parts of the earth to feed the nations. There, I say, you will find millions of homes around whose firesides are taught the principles of liberty and truth and patriotism and the Christianity upon which our country rests. And yet who will say that these States are not largely what they are because of the policy of the Government in giving to the home builder a free home?

Go, then, to the States that make our mountain country and lie upon the Pacific coast. Great States they are, whose mountains are depositories of wealth, whose hills and prairie lands are vast granaries, whose rivers and harbors are doors to a world's trade. A short half-century ago you saw a prospector here, a hamlet there, a trapper yonder. To-day cities and towns, schools and churches, farms and gardens, enterprise and thrift and industry, these are the striking features of the West that you see on every hand, and they are the splendid fruit of the land laws that our country has faithfully approved since the day the homestead law gave hope and promise to the heart of the poor man.

Mr. FERRIS. Mr. Chairman, I yield five minutes to the gentleman from Kansas [Mr. NEELEY].

Mr. NEELEY. Mr. Chairman, this bill is of particular interest to the people of my district, a district that extends about 200 miles east and west and having an elevation of from 1,500 to 4,000 feet. It is composed in the main of tableland, almost level, sloping slightly to the southeast. Twenty-five or thirty years ago this country was almost entirely homesteaded. We had Hugoton, Richfield, Santa Fe, Johnson City, Ulysses, and Woodsdale—some now a memory—all flourishing cities of from 1,500 to 2,500 population. They built their schools, their churches, their courthouses, and other public buildings, and the grasshoppers came, the drought came, and in two years this country and this district and the towns, as promising as any in any other section of the United States, became almost entirely depopulated, and thus remained for 15 or 20 years practically uninhabited and useless except for the people who had cattle and were able to stay, and who fought the fight and finally won.

Within the last three or four years the settlers have begun to go back into that section to build up the towns, until now almost every quarter section has been filed upon and has a family living there, trying to make a home. On account of the high cost of living and the competition in the cities of the East a class of people in moderate circumstances have settled upon those lands and have staked everything they have in the world upon their ability to make a home there. Everything that they have is represented by that piece of Government land, with the little home and the few head of stock they have been able to accumulate.

Since I have been here I have received perhaps as many as a hundred letters from different people residing on those lands

asking for some kind of relief from the conditions that exist out there. The last three crops years have been almost total failures for the man on new land there. During the first summer they left their homes and went away to work in the harvest fields for those in the eastern part of the State, and they went back the second summer and again the third summer, and now the limit of endurance has been reached. Letter after letter has been received from them asking if there is not some plan by which they can be supplied with free seeds with which to seed their lands this year, as they are helpless and can not get seed for themselves.

As I understand it, unless they secure a release from the obligation to reside on their premises, they are liable to lose their homesteads by contest if they go away to work to support themselves and families, and if this bill is passed and enacted into law those people will be aided in that way. Most of them have lived there practically the entire three years, so that they can prove up on their land and secure the home which they have earned so fairly, and can then go away from there temporarily, with a chance to make a livelihood.

The proposition now has been reduced to this, gentlemen, that they can not leave, because they have nowhere else to go, and they can not stay, because they can not starve. [Applause.] I think in fairness they are entitled to some kind of consideration. This bill will afford a measure of relief to them. It might be proper for me to say here that ever since about the 14th day of last December nearly every foot of the 32 counties in my district has been covered with snow. That country now has from 2 to 4 feet of snow over the entire western section. The finances of those people are depleted, and in view of the fact that no harm can possibly be done them by the passage of this act it is certainly a matter of exact and strict justice to them that it should become a law. [Applause.]

[Mr. RAKER addressed the committee. See Appendix.]

Mr. FERRIS. I yield three minutes to the gentleman from Arizona [Mr. HAYDEN]. [Applause.]

Mr. HAYDEN. Mr. Chairman, I want briefly to give my testimony to the effect that nowhere in the United States is this legislation more needed than in Arizona.

As most of you are well aware, the larger part of the area of my State is desert land, where there can be no cultivation without irrigation. It is true that there are comparatively large sections where certain classes of crops can be grown by a system of dry farming, but any land in Arizona will produce in greater abundance if the flow of some stream or the water from some well can be applied to the land.

When the homestead law was first adopted it was applied to the lands of the Middle West, where there was ample rainfall to produce crops. After the first year, when the prairie was once broken, the homesteader had an income from his land, and the amount of that income was generally sufficient to keep him and his family supplied with at least the necessities of life without any outside resources.

But when the homeseeker reaches Arizona he finds the conditions entirely different. The rule there is that the settler goes upon the land in anticipation of the building of some irrigation enterprise either by the Government or by private capital.

He takes up the land in the hope and oftentimes with an assurance that he will receive water for irrigation in the near future. But the best-laid plans of Government engineers or of the managers of private enterprises are always subject to unforeseen delays. The universal rule has been that the water has not been put upon the land as soon as anticipated. The result is that the poor homesteader, chained to his land by the requirements of the law, must either receive outside assistance in the shape of his own previously accumulated capital or by loans to the limit of his personal credit, or else he must abandon his hope for a home and go elsewhere to make a livelihood, for the land upon which he resides absolutely will not contribute anything to his support without water.

This bill, which reduces the time in which he may obtain a patent from five to three years, will not only lessen the period of his struggle, but the further provision which permits him to be absent from his homestead for five months in each year will be of inestimable benefit. He will then have an opportunity to go into other and more settled parts of the country and there, by his labor, accumulate the means whereby he can devote the remaining months of the year to the improvement of his land.

There are many places in Arizona where water can be developed, either by pumping or by artesian wells, in sufficient quantities to irrigate profitably considerable areas.

But pumping plants and deep wells usually cost more than the limited capital which the homesteader has in his possession. If he can obtain title to his land within a shorter period, he comes that much sooner to the time when he has an asset in the shape of real estate upon which to borrow the money for these most necessary improvements.

We have been told that, by reason of the liberal homestead laws of the Dominion, last year 125,000 American citizens left the United States to settle in Canada, taking with them millions of dollars of wealth. Arizona would welcome such an addition to her population. We are developing our resources so that we will be able to accommodate many times that number of people. We are storing the floods of the rivers; we are boring deep into the earth, and there finding the precious fluid that brings life to a thirsty soil. There are no fairer fields to be found under any flag than can be found in Arizona.

This change in the homestead law is one of the best means of diverting the great stream of emigration which is now leaving the United States and directing its course into the States of the arid West, such as the one which I have the honor to represent.

I will close by reading from an editorial which recently appeared in the Free Press, a newspaper published in Mesa, Ariz. It is as follows:

THE HOMESTEADER'S DILEMMA.

It has been supposed for a long time that the real intent of the original homestead law was primarily to provide a means of furnishing the individual not owning real estate an opportunity to acquire land on which to reside and to encourage him to cultivate the same and become a producer of the necessary foodstuffs. However, locally, in many instances, the apparent original intent of the homestead idea has not only been circumvented, but it has been reversed, until instead of furnishing an avenue by which the entryman needing a home might be recompensed, it has by the many restrictions made the taking up of a quarter section of land a rich man's proposition.

The man who enters a quarter section of arid land, raises a family of God-fearing children, braves the dust storms of June and the hot days of August, builds his home, clears his land of desert growth, pays his grocery bill, waits five years for water, and keeps body and soul together is not only entitled to the entire 160 acres, his original entry, but to a thousand hallelujahs in heaven and the most beautifully gilded, sweetest-tuned harp in the New Jerusalem.

[Applause.]

Mr. RAKER. I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from California asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. FERRIS. I yield one minute to the gentleman from Montana [Mr. PRAY].

[Mr. PRAY addressed the committee. See Appendix.]

Mr. FERRIS. Is the gentleman from Illinois [Mr. MANN] prepared to use some of his time now?

Mr. MANN. I yield five minutes to the gentleman from North Dakota [Mr. HANNA].

Mr. HANNA. Mr. Chairman, I am very much in favor of this proposed legislation, and at the beginning of this session of Congress introduced a bill upon this subject, and it has been before the Public Lands Committee with this bill for consideration. I have had hundreds of letters from people in my own State, which is one of the public-land States, asking that I use my utmost effort with Congress to get a bill of this character passed.

In the western part of North Dakota, the State which I in part represent, they used to allow commutation proofs after 14 months' residence, but now under the regulation of the Interior Department as to coal lands—we have lignite coal in North Dakota—they can no longer make commutation proofs. The consequence is that as we have had poor crops in western North Dakota in the past two years, by reason of dry weather, the farmer who has gone there as a settler and who wants to make his proof at the end of 14 months in order to borrow a little money to help him over the hard years, and who must have title to his land on which to get credit, is unable to do so, a fact which has driven hundreds of people out of that country. Now, if this bill becomes a law, and the settlers can make their proofs at the end of three years, then they will have some basis on which they can go to the banks or other places and get money upon their lands to help them at the time when they most need help.

Then another feature of the bill is the matter of the leave of absence. Last August Congress passed a bill to allow homesteaders to leave their claims until the 15th of the coming April, which was a great help and benefit to the settlers in all parts of the West. Under this act they will be allowed five months of each year in which they can leave their claims in order to get employment and earn some money to help them along during the time they are getting on their feet financially and getting established on their homesteads.

This is a good bill; it ought to pass, and I hope that it will. [Applause.]

I yield back the balance of my time, and ask leave to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from North Dakota asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has seven minutes.

Mr. MANN. Mr. Chairman, with the general purposes of this bill I am in accord. As to the exact terms which ought to be in the bill when it becomes a law I am not prepared to express an opinion. I hope the suggestion I made some time ago may be acted upon, so that the entire bill will go into conference, with a view to having a bill finally agreed upon which will meet with the approval of the President and the Department of the Interior.

I think no one in the country is opposed to the proposition to give to actual settlers the right to have homes and the right to cultivate the soil and own a part of what is now the public domain. But in enacting legislation of this sort it is quite important, in my judgment, to have such provisions in the law as will preserve to the persons who intend to be actual settlers upon the public domain that portion remaining and not make it too easy for speculators to acquire a portion for the purpose of selling out to some one else, thereby permitting the acquisition of large tracts of land under the control and ownership of some one person or corporation.

Originally, when the homestead law was passed, probably most of the settlers who went upon the public lands at that time did not need or expect to borrow money for the purpose of aiding them either in building homes or purchasing live stock or acquiring machinery for the cultivation of the soil. But in these days, when it has become so much the custom of our people to borrow a portion of the accumulated wealth in order to make use of it, it has seemed desirable to permit the settler to acquire title a little earlier and under easier conditions than he now can, so that he may pledge as security the ownership which he has.

I suppose that is the main object of this bill. No one desires to make it any easier, I think, for men to go from the eastern portion of the country to the West to take up property only for the purpose of speculating in it, but everyone desires to make it easy for those people to settle upon the land and acquire title to it for the purpose of cultivating it and living upon it.

Mr. LAFFERTY. Will the gentleman yield?

Mr. MANN. Yes; for a question.

Mr. LAFFERTY. I desire to ask the gentleman what he means by speculation; get down to brass tacks.

Mr. MANN. I mean that a good deal of which has been done in the gentleman's own State and elsewhere, where people have gone on the land with no intention of living upon it beyond the time necessary to either obtain commutation or a patent and then sell it to somebody else—where they have gone upon the land with no intention of becoming permanent settlers. If the gentleman does not know what speculation means in his country, I can not enlighten him.

Mr. LAFFERTY. I challenge the gentleman to show a single case in Oregon where a homesteader has been proceeded against on the ground that he took the claim for anybody else within the last six years.

Mr. MANN. I believe we had some cases in court involving that question, where the court did not agree with the gentleman from Oregon.

Mr. LAFFERTY. I would like to have the gentleman give us a citation of the case.

Mr. MANN. I have only a few minutes left, and I am not going to bandy words with the gentleman. He is familiar with the case, as I am, and I do not intend to refer to it by name. In passing these laws we should have in mind that the purpose is to permit the man who wishes to live upon the land to acquire it. I know that some gentlemen think that the public domain belongs to the people who live in the State where the domain is located. I do not entertain that opinion at all. The public domain belongs to the people of the United States, who are quite willing to give it away to people who will live upon it and make homes upon it. In order to obtain the money with which to carry on their operations it may be, and probably is, desirable to permit the title to pass from the Government to the settler quicker than is now permitted to be done under the law. I suppose there is no other object, in the main, for this except those places where there are located irrigation projects, and that is only a small portion of the public domain.

Mr. Chairman, in the report of the committee on this bill they refer to the fact that the public domain has been largely and principally disposed of, and that very little of it remains. The gentleman from Oregon a little while ago stated that no portion of the public domain remained except what John Jones or somebody else would not take up to this time. And yet last year, according to the report, there were 17,000,000 acres of the public domain taken up under the homestead laws, as against a total of 155,000,000 acres since the homestead laws went into effect.

Mr. LAFFERTY. Mr. Chairman, I challenge the accuracy of the gentleman's statement.

Mr. MANN. Then the gentleman challenges the accuracy of the committee's report.

Mr. LAFFERTY. Those were under the desert-land entries and all other entries.

[The time of Mr. MANN having expired, Mr. FERRIS yielded him two minutes more.]

Mr. MANN. Seventeen million acres were taken up last year.

Mr. LAFFERTY. Not under the homestead act.

Mr. MANN. Most of it was under the homestead act, against the total of 155,000,000 acres during the past 50 years. Does that indicate that there is any lack of desire of people to take up land under the homestead law at this time? But because people desire to take up land under the homestead law at this time, and because they are doing it in large numbers, and taking large areas of land, it seems to me proper, under conditions to lighten the load that they have been compelled to bear in the past, and make it easier for them to acquire title, and possibly to borrow money for carrying out their desires. [Applause.]

Mr. FERRIS. Mr. Chairman, I yield 10 minutes to the gentleman from Missouri, the Speaker.

Mr. CLARK of Missouri. Mr. Chairman, in the early days of the Republic the Speakers frequently took part in debate. For some reason—I do not know what—that custom has fallen into "innocuous desuetude," to use Mr. Cleveland's famous phrase. I have a notion, not fully matured, to revive it. I do not see why the Speaker has not as much right to make speeches as anybody else, if he feels like it. [Laughter and applause.]

Missourians take an abiding interest in the whole western, southwestern, and northwestern country. [Applause.] The ablest defender that the West ever had in either branch of Congress was Col. Thomas Hart Benton, of Missouri, the greatest Missouri statesman that ever lived; and Col. Roosevelt says in his Life of Benton that when a thousand Missourians loaded their wives, children, and household goods into their wagons and went across the plains they settled forever the ownership of what was called the Oregon country; that up to that time the people out there, when it was held in joint occupancy, had been temporary sojourners; but the Missourians were there to stay. In addition to that, the country has been very largely populated by Missourians. [Applause.] They are a prolific race, and they like to go forth to better their condition. Just why they leave Missouri I can not tell to save my soul, but they do leave it. [Laughter and applause.] I suppose I have received over a hundred letters from Missourians in the West in favor of this bill, and I am making these remarks to please them more than for any other reason, except for the strongest reason possible, and that is that the bill is right and ought to pass.

A strange historical fact is that during the entire 30 years that Benton served in the Senate he worked incessantly to make it easier for people to really homestead land and live upon it.

And one of the greatest inaccuracies in history is that the fatherhood of the homestead law is accredited to Galusha A. Grow, of Pennsylvania. Benton worked it out and got every feature of it that was valuable, except that he never was able to obtain for any of his bills the title of "homestead law." The day that he went out of the Senate Galusha A. Grow came into the House. Mr. Grow introduced a homestead bill by title in six Congresses hand running, and got it adopted in the sixth. Benton secured the substance; Grow secured the title, and the historians rob Benton of his share of the glory and give it all to Grow.

Benton's theory, and I am simply following it out, was that the possession of homes—and I believe it with all my heart—or the getting of homes for bona fide settlers ought to be made as easy as possible. [Applause.] The home is the unit of American civilization, and the more homes we have the better for the Republic. The peculiarities under which this bill is presented here are these: With the rich soil of the State from which my distinguished friend Mr. MANN, of Illinois, comes, or of Missouri, from which I hail, just as quickly as a farmer could get the land plowed up he could make a living upon it, and he could make a living upon a very few acres. I believe that Sec-

retary Wilson tells the exact truth when he says that if the Mississippi Valley were cultivated for all it is worth on an average 1 acre of land would support one human being. That would give us a population of 1,250,000,000 souls between the top of the Alleghenies and the crest of the Rockies. But these lands about which the proposition is made in this bill that the period of residence shall be cut from five to three years are not like the lands of Missouri and Illinois. The pick and choice of those lands have been taken up. It is extremely difficult for a man to make a living out there on the 160 acres of that dry land. I once helped the gentleman from Nebraska [Mr. KINKAID] get a bill through here to increase the size of a homestead in the western part of the State of Nebraska from 160 acres to 640 acres, and the passing of that bill added a new word to the vernacular of the people out there. The people who entered the 640-acre homesteads are called "Kinkaiders" all over the State of Nebraska. [Applause.] It is impossible, I believe, in a good many cases for a man to make a living on 160 acres of this dry land for five years, the required period under the general law, and be able to support his wife and children while he is living on it during the five years. I am in favor of cutting it down to three years, and I believe by doing so we will render not only the homesteaders but all people of the United States a very valuable service.

To me the most painful feature of the day in which we live is to see a constantly increasing stream of the very best American citizens of this country going to Manitoba and Alberta. On one day in my county, one of the richest and largest and most beautiful counties under the sun, 43 families loaded up an entire freight train, as much as one of these big engines could pull, chartered the train, every one of them in a sleeping car, and pulled out for Alberta.

There was not a man amongst them who was not fairly well to do. Another man in my district sold his farm for $26,000, and his stock and other valuable assets ran the sum up to about $40,000. He moved to Manitoba and entered or purchased 10,000 acres of that land up there. He gave to each one of his eight children 1,000 acres, keeping 2,000 acres for himself. That is the kind of American citizens who are leaving this country and going to the British Northwest. The immigration agent up there estimates that every American citizen who goes over there carries with him, on an average, $1,000. I am in favor of fixing it so that no American citizen will want to depart from the United States to secure a home in a foreign land. [Applause.]

The CHAIRMAN (Mr. FOSTER of Illinois). If there is no further general debate, the Clerk will read the bill for amendment under the five-minute rule.

The Clerk read as follows:

Be it enacted, etc., That section 2291 and section 2297 of the Revised Statutes of the United States be amended to read as follows:

"SEC. 2291. No certificate, however, shall be given or patent issued therefor until the expiration of three years from the date of such entry; and if at the expiration of such time, or at any time within two years thereafter, the person making such entry, or if he be dead his widow, or in case of her death his heirs or devisee, or in case of a widow making such entry her heirs or devisee, in case of her death, proves by two credible witnesses that he, she, or they have resided upon or cultivated the same for the term of three years immediately succeeding the time of filing the affidavit, and makes affidavit that no part of such land has been alienated, except as provided in section 2288, and that he, she, or they will bear true allegiance to the Government of the United States, then in such case he, she, or they, if at any time citizens of the United States, shall be entitled to a patent, as in other cases provided by law: *Provided*, That the absence of said entryman or of his family from the land for a period not exceeding six months in any one calendar year shall not be held or construed as interrupting the continuity of the three years' residence required by this section, but in case of commutation the fourteen months' actual residence as now required by law must be shown.

"SEC. 2297. If, at any time after the filing of the affidavit as required in section 2290 and before the expiration of the three years mentioned in section 2291, it is proved, after due notice to the settler, to the satisfaction of the register of the land office that the person having filed such affidavit has actually changed his residence after establishing the same, or abandoned the land for more than six months at any time, then and in that event the land so entered shall revert to the Government: *Provided*, That the three years' period of residence herein fixed shall date from the time of establishing actual permanent residence upon the land."

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Amend, page 2, lines 3 and 4, by adding, after the word "have," the following: "A habitable house upon the land and have."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. BURKE of South Dakota. Mr. Chairman, I would like to inquire from the gentleman in charge of the bill the purpose of this amendment and in what respect it changes existing law.

Mr. TAYLOR of Colorado. Mr. Chairman, the existing law does not specifically require any particular house, but the practice is to require one, and the Secretary of the Interior recommended that we put in a requirement of this kind. We have complied with that recommendation, and recommended this amendment requiring a habitable house on the land.

Mr. BURKE of South Dakota. Who is going to make the residence?

Mr. TAYLOR of Colorado. That is not the amendment under consideration.

Mr. BURKE of South Dakota. We might as well dispose of it now, while I am on my feet. I will ask the gentleman to explain what is intended by this change in the law, and hereafter, where an entryman dies, what the heirs will have to do in order to acquire title?

Mr. TAYLOR of Colorado. Under the homestead law, prior to a very recent ruling, when the entryman died his heirs were not required to live upon the land. They have always been required to make the necessary improvements, but not the residence. It very often occurs that the heirs are minor children or infirm people.

Mr. BURKE of South Dakota. The gentleman says that was the construction put upon the law until very recently?

Mr. TAYLOR of Colorado. Yes. Very recently they have ruled that the heirs must reside upon the land. The gentleman may possibly remember in the last Congress that the gentleman from Nebraska [Mr. KINKAID] had a case where the Government was canceling the entry because two minor children, one 8 years old and the other 10, could not reside upon the homestead upon which their father was buried, and we passed a bill giving those minor children that land. This is to make it certain that the heirs will not be required to maintain residence upon the land in order to prove up.

Mr. BURKE of South Dakota. That is what I wish to develop, because under the law it was held here for nearly 50 years that upon the death of the entryman the heirs might complete the entry by making proof.

Mr. MARTIN of Colorado. Of cultivation?

Mr. BURKE of South Dakota. Yes, certainly; but not by residence. But a construction has been put upon the law in recent years that residence was required, something that was not contemplated by the law, and which seems to me absurd. I am glad to know that the committee has attempted at least to put the proper construction upon the law in that regard.

Mr. TAYLOR of Colorado. Yes; we have done so, and the Secretary of the Interior approves of this amendment.

Mr. BURKE of South Dakota. I should think he would.

Mr. MANN. Mr. Chairman, I would like to know whether we can arrive at some sort of an understanding in reference to this bill. If the gentleman in charge of the bill, when we have finished the reading of the bill for amendment, will then move a substitute for the bill by striking out all after the enacting clause and inserting whatever has been agreed upon in the committee, with a statement that in the House he will, after the passage of the bill, ask for a conference, I think the passage of the bill may be expedited; and it will prevent the necessity of some of us, I do not know how many, offering amendments.

If the committee intended to perfect this bill at this time, I would have a number of amendments that I should desire to offer and discuss; but if it can be arranged so that the entire bill can go into conference, where the conferees would probably, using good judgment, consult with the Secretary in reference to the final draft of the bill before they agreed—I do not say they would have to agree to what he said—why we would be satisfied, I would at least, and I think a number of others, to let the matter go in that way.

Mr. FERRIS. I will just say to the gentleman in that connection that three or four gentlemen on the committee, of course I would not hope to speak of this further than that, have had that thought, have considered that the plan suggested by the gentleman from Illinois was a good plan, and it is our purpose to pursue that plan unless there be some objection coming from a source which I do not now know.

Mr. MANN. Of course the gentleman has it within his power now——

Mr. FERRIS. We intend to make the motion along the lines suggested by the gentleman. Of course, while the bill is here under consideration, and we have an hour, I take it that it is the purpose of the gentleman to perfect the bill as well as we can, so we may have the views of the committee in conference.

Mr. MANN. I think a number of gentlemen will still desire, perhaps, to offer amendments and discuss them, and I do not wish to take up the time of the committee with reference to the amendments which I have prepared if that course is to be taken.

Mr. FERRIS. Well, we think that course is a wise one.

Mr. MANN. I think it is a proper course to take from a legislative point of view.

Mr. FERRIS. I understand the suggestion, and it is agreeable to everybody over here, as far as I know, but we want to get, as far as we can, the views of the committee as a guiding star in the conference committee.

Mr. LENROOT. Is it the purpose——

The CHAIRMAN. The gentleman from Illinois has the floor.

Mr. MANN. I yield to the gentleman from Wisconsin, who desires to ask a question.

Mr. LENROOT. Is it the purpose to offer a substitute, the substitute being what may be agreed upon in committee?

Mr. FERRIS. It is the thought that we would draft the bill as nearly as may be and then offer that as a substitute for the original bill.

Mr. LENROOT. Of course it would be within the power of the Senate to adopt the substitute, even though they may ask for a conference.

Mr. FERRIS. But the suggestion of the gentleman from Illinois was that we would ask for a conference, thereby putting it in conference, and it is the understanding that we would do that.

Mr. MANN. They could still agree to the House amendments, but I take it there is no intention of doing that. I do not think there is any trouble about it at all.

Mr. CAMPBELL. Mr. Chairman, I want to make some inquiry about the committee amendment that has been read from the Clerk's desk if I can get the floor for that purpose. The proposed amendment requires that the settler shall have a "habitable house upon the land." Who is to decide what a habitable house is under the provisions of this amendment? What is regarded as a habitable house by the inspectors who now visit settlers out on the frontier and on sparsely settled portions of our country?

Mr. FERRIS. Well, the gentleman knows when the matter comes on for final proof before the register and receiver that the question of what is a habitable house, what is sufficient residence, what is compliance with the law, is always a question of fact for the officer to decide, and I take it it would be impossible for me to delineate or attempt to say what would be in the mind of each officer as to just what the holding would be, but the question as to what is a habitable house, to my mind, is one not difficult of construction. It seems to me if it were possible for a man and his family to live during the entire year, during the winter and summer months, in a house in which his family could be made comfortable, my own construction of it would be a habitable house.

Mr. CAMPBELL. I think that settles the question. If they have lived there through a season or two seasons that should settle the question that they have had a habitable house and that habitable house is upon the property intended to be settled. Such a house may not be comfortable—often it is not. I say, Mr. Chairman, if this language remains in the bill, young men who have never seen the frontier, except as inspectors, who have never slept in a 12 by 14 box house, or a dugout, or a sod house, or a log house, or one of stones without mortar, who have never helped to settle the prairie and arid lands or clear forests, would not think that a man had a home if he merely had a little box house or a little dugout, lighted in the daytime with one window and at night with a candle or coal-oil lamp without a chimney. As the gentleman from Oklahoma knows thousands of honest settlers, even in parts of western Oklahoma, live the year round in a house they have built of cottonwood boards when the boards are green. In 60 days those boards have warped so that they draw the nails and show great cracks that a cat can jump through.

Intending settlers live in that kind of a house when settling new countries. Why, they stuff those cracks with hay in the winter to keep out the cold. I am not talking about a theoretical settler now. I am talking about what has actually been done in new countries by settlers who have cultivated the uncultivated portions of this country on the frontier, and who have pushed the frontier forward from sea to sea. I am not willing that language should remain in this bill which would leave this to the discretion of the agent what a habitable house is and, if he finds the house is not habitable, deny the settler the right to prove up his claim.

The CHAIRMAN. The time of the gentleman from Kansas [Mr. CAMPBELL] has expired.

Mr. CAMPBELL. Mr. Chairman, I would like to have five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. CAMPBELL. I am not willing that language shall remain in this bill, or shall be put in the bill, that will leave it to the discretion of anybody to say what a habitable house is, if the settler has remained in it as required by law upon the premises.

Mr. MADDEN. Describe a habitable house.

Mr. CAMPBELL. You can not describe the houses some of these people in new countries live in as habitable.

Mr. TAYLOR of Colorado. I will say to the gentleman from Kansas [Mr. CAMPBELL] that, as far as the committee is concerned, we—all of us, I think—substantially agree with him. But the Secretary of the Interior has made quite a number of recommendations concerning this bill. We have had several conferences with him. We have tried to meet his views as far as it was possible without working hardships upon the frontier settlers. This is one of his suggestions that we have acceded to. There were some that were many times more objectionable than this; and we, simply out of consideration for his recommendation, agreed to this one. Now, that is all there is to it. I do not personally care whether it is in or out.

Mr. CAMPBELL. With as high a regard as I have for the Secretary of the Interior, I must say in the passage of a law affecting homesteaders I would rather see to it that the law gives absolute justice to the homesteader than that it satisfied some peculiar notion the Secretary or anybody else might have concerning the kind of a house the homesteaders live in. I have no doubt that there is not an inspector in the General Land Office or in the Department of the Interior who would stay overnight in the kind of houses that settlers live in 365 days of the year out on the frontier. And these inspectors, passing upon what a habitable house is, might say that a little box house such as I have described was not a habitable house, and thereby deprive the settler of the right to perfect his homestead.

Mr. MARTIN of Colorado. Mr. Chairman——

The CHAIRMAN. Will the gentleman from Kansas [Mr. CAMPBELL] yield to the gentleman from Colorado [Mr. MARTIN]?

Mr. CAMPBELL. I will.

Mr. MARTIN of Colorado. I just wanted to interrupt the gentleman from Kansas with the observation that I heard the present Secretary of the Interior before the Committee on the Public Lands refer to the raising of alfalfa as one of the steps in the reclamation of arid lands. Does the gentleman think that an official who would refer to the raising of alfalfa as one of the steps in the reclamation of arid lands has sufficient practical knowledge of that subject to legislate or recommend legislation upon it?

Mr. CAMPBELL. Mr. Chairman, I can not be drawn from a discussion of a habitable house to the raising of alfalfa. [Laughter.]

Mr. MARTIN of Colorado. Well, but this recommendation comes from the same source.

Mr. CAMPBELL. The leap is so long from the definition of a habitable house on the frontier to the time and conditions under which you can raise alfalfa that I refuse to take the leap.

Mr. MANN. Has the gentleman ever raised alfalfa?

Mr. CAMPBELL. I never have.

Mr. MANN. I have; and I do not think the gentleman knows as much about it as the Secretary.

Mr. CAMPBELL. I know nothing about the raising of alfalfa. I never raised an acre of it. I have lived on the frontier in a habitable house that the gentleman from Illinois [Mr. MANN] would not leave a cow in over night.

Mr. MANN. I lived on the frontier before the gentleman was born.

Mr. FERRIS. Mr. Chairman, I have listened with a great deal of pleasure to the solicitude of the gentleman from Kansas [Mr. CAMPBELL] for the homesteader. I have lived among homesteaders a great deal of my life, and, without being guilty of ego, I will say that I have proved up a claim myself in the last seven years, so I know something about it myself. It is not an onerous part of the bill, or that will be heavy for the homesteader to carry, and this is not a part that they will have trouble with in the matter of construction.

A great deal has been said as to agents who go out there, some of them competent and some of them incompetent. But I do not think any of them would be so wide of the mark that they would fail to let the good faith of the homesteader govern him as to what was a habitable house. One settler proves up a homestead in a box house 10 by 12 feet that cost less than $100. I know of plenty of them who did that.

On another homestead adjoining him a man of more means proves up a homestead with a house costing $1,000 to $1,500, but each anxious to acquire a home for himself and family. While appreciating the spirit of the gentleman from Kansas [Mr. CAMPBELL], I think he had better leave some of these things in the bill, to the end that you would get the bill stripped

of some of the things in it that a large portion of the House, the Senate, and the public believe ought to be there. This bill should not be stripped of all the safeguards by its friends, because those who are its friends will, in doing that, in truth and fact, be its enemies.

Mr. MADDEN. There is no disposition on the part of the Interior Department, is there, to quibble on what is a habitable house?

Mr. FERRIS. On the lines of the suggestion of the gentleman from Kansas, we send out agents and we appropriate lots of money every year to send out special runners to investigate these homestead entries, and sometimes some of these agents have not been thoroughly conversant with public-domain matters. I think some mistakes have been made, but I do not think we ought to sweep all safeguards aside——

Mr. MADDEN. Does the gentleman know any case where the Interior Department, through its inspectors, has refused to accept the completion of the entry on account of the condition of the house that the settler claimed was a habitable house?

Mr. FERRIS. I have no doubt that the books are quite full of cases of that kind, and in some cases perhaps rightfully so. If a man erects a house that is not at all habitable and carries on a farcical residence he should not be indulged in that. I contend that as long as a man has a home that is habitable 12 months in the year, whether it costs $100 or $1,000, the good faith of the entryman should not be questioned, and I do not believe, in the main, will be questioned.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. MONDELL. Mr. Chairman, just one moment. This amendment does not, in my opinion, change the present law. The department does not now approve a homestead entry unless there is upon the land what they consider a habitable house. So we have written in the statute what has been the ruling of the department from the beginning of the homestead law.

Now, special agents have sometimes been a little peculiar in their views of what constituted a habitable house, but in the main the department is not subject to criticism upon that ground. They have patented many homesteads on which there were sod houses. They have patented many homesteads on which there were log houses, and they have patented many homesteads on which there were indifferent sorts of shacks, where it was apparent that that was the best the homesteader could do, and where it was apparent that it was his home. I do not think there is anything to fear in this amendment, and I think it is a very wise and proper one.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amend lines 4 and 5 by striking out the word "immediately."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amend, line 13, by striking out the word "absence" and inserting the word "presence."

Mr. MARTIN of Colorado. Mr. Chairman, I would like to offer an amendment to the amendment, by striking out the word "presence" and inserting the word "residence."

Mr. MONDELL. Mr. Chairman, I desire to call attention to the fact that the amendment made by the committee includes all of the changes from the word "*Provided*," in line 12, down to the word "residence," in line 17. All of the changes in those five lines are in effect one amendment. I ask unanimous consent that the entire proviso down to the word "residence" be considered as a single amendment.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent that the committee amendments from line 12 to line 17 be considered as one amendment. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. MARTIN of Colorado. Mr. Chairman, I would like to offer my amendment, then, to the amendment as reported, by unanimous consent.

Mr. NORRIS. The gentleman's amendment has been offered and is pending, and is perfectly appropriate.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Colorado [Mr. MARTIN].

The Clerk read as follows:

In line 13 strike out the word "presence" and insert the word "residence."

Mr. MANN. His amendment is a substitute for the committee amendment. It is to strike out "absence."

Mr. NORRIS. I do not see how that can be called a substitute which strikes out of this amendment one word, "presence," and inserts the word "residence" in its stead.

Mr. MARTIN of Colorado. Mr. Chairman, I would be very loath indeed to offer any amendment, and I certainly would not press any amendment that would jeopardize this bill by causing it to fall into such disfavor with the Interior Department that the Interior Department officials would feel called upon to exert such influences as are at their command to defeat the bill. At the same time I very much dislike, in order to get the bill through, to load it down with hard conditions and innovations to such an extent as perhaps to make it a burden upon the very class of people we are seeking to relieve. We discussed this matter briefly under general debate, and I do not think it is necessary to consume a great deal of the time of the committee upon the amendment. I think gentlemen all understand that we are injecting an absolutely new and unknown element into this law, an absolutely new and unknown legal term, if I may call the word "presence" a legal term. I do not believe that word is a legal term. I do not believe that any two gentlemen on the floor of this House could get up here now and either agree as to what "presence" on the land would mean under this law or would be able to go out in the Library of Congress and find a definition upon which they could agree. But as to the word "residence," the meaning of that term, its construction with reference to land, has been fixed. It is fixed in the repeated decisions of the courts, and it is fixed in the regulations, and so forth, of the Department of the Interior.

Mr. MANN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Colorado yield to the gentleman from Illinois?

Mr. MARTIN of Colorado. I will.

Mr. MANN. Would it not be still better and make it still more explicit to use the language suggested by the Secretary of the Interior, that the entryman may be absent from the land for a certain period without affecting his residence? The gentleman's amendment would have residence used as a part of the definition of the word "residence." The gentleman's proposition would be as follows: "*Provided*, That the absence of said entryman or his family," and so forth.

Mr. TAYLOR of Colorado. Mr. Chairman, if my colleague from Colorado will yield, I think I can possibly satisfy the committee on this matter by offering a substitute for the committee amendment and for the pending amendment, to strike out of the bill all of the language in the printed bill, if you have it there, beginning in line 12, including the word "*Provided*," and striking out everything down to the word "section," in line 17, and inserting in lieu of that language the following:

Provided, That the entryman may be absent from the land for not more than five months in each period of one year after establishing residence.

That will give him an affirmative, definite leave of absence for five months in each year.

Mr. MARTIN of Colorado. And that eliminates the family proposition altogether.

Mr. TAYLOR of Colorado. Yes; that eliminates all these other questions about presence on the land, and so forth. I am referring to the Secretary's recommendation.

Mr. MARTIN of Colorado. The only objection to the gentleman's proposition is that in practice it would not permit the entryman to avail himself of the residence of his family upon the land.

Mr. MANN. Oh, yes; it does.

Mr. TAYLOR of Colorado. The same law would apply then that applies now.

Mr. MANN. Yes.

Mr. MARTIN of Colorado. Your proposition would require the entryman himself to live on the land during the residential period.

Mr. TAYLOR of Colorado. It cuts out the question about the man's family, and leaves the law as it is at the present time.

Mr. MANN. Where a man may be absent, if his family are there, under certain conditions.

Mr. TAYLOR of Colorado. Yes.

Mr. PICKETT. I notice that the gentleman leaves out the concluding three lines of the amendment suggested by the Secretary of the Interior.

Mr. TAYLOR of Colorado. Yes.

Mr. PICKETT. What was the reason for that?

Mr. TAYLOR of Colorado. My reason for leaving out the concluding three lines of the amendment suggested by the Secretary of the Interior is this——

Mr. PICKETT. Just read them, so they will go into the RECORD.

Mr. TAYLOR of Colorado. The amendment suggested by the Secretary of the Interior is just as I read it, except that he makes the time four months instead of five in each period of one year after establishing residence, and this is the part which I do not offer:

Such absence, however, to be under such rules and regulations as may be prescribed by the Secretary of the Interior.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MARTIN of Colorado. I ask unanimous consent for one minute more.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent for one minute more. Is there objection?

There was no objection.

Mr. MARTIN of Colorado. I simply desire to say that I offered my amendment for the purpose of emphasizing my objection to the use of this indefinite word "presence." If the proposition now submitted by my colleague [Mr. TAYLOR of Colorado] is satisfactory to all concerned, I shall be glad to withdraw my amendment.

The CHAIRMAN. If there be no objection, the amendment offered by the gentleman from Colorado [Mr. MARTIN] will be withdrawn.

There was no objection.

Mr. TAYLOR of Colorado. Some gentleman has well said that the rules and regulations are largely made by people here in Washington who never saw the West except from the window of a Pullman palace car, and who do not necessarily understand our conditions. They make rules and regulations that are impracticable; and when a man wants to go away from his home he can not hire a lawyer to tell him what the latest edition of the rules and regulations may be. When he knows that the law gives him five months' absence he ought to be permitted to go without any expense or any string to it or any application to anybody or anything else. When he comes to final proof, he has got to make proof as to his residence.

Mr. PICKETT. Assuming that he went away for two weeks at one time, three weeks at another time, and four weeks at another. Should it not be subject to some rule provided by the department, fixing the manner in which he could take advantage of this section of the law?

Mr. TAYLOR of Colorado. Under the understanding which we have with the minority leader [Mr. MANN], when we get this bill trimmed up as best we can it is to be sent back to the Senate as a substitute and a conference asked for. Now, I apprehend that the conferees and the Secretary of the Interior will get together and provide some method of that kind. The Secretary did not suggest this to me. He suggested that the man merely write a letter——

Mr. PICKETT. I was simply raising the question, because it occurred to me that there should be some further provision.

Mr. TAYLOR of Colorado. I think the chances are that there will be.

Mr. MONDELL. The Secretary of the Interior has full authority to make rules and regulations generally under this law. It is his duty to do so. Therefore it is very unusual to place in the body of the bill, after a specific paragraph, a general provision with regard to rules and regulations. It is his duty to make those rules and regulations now, and it seems to me there is no more reason why a provision with regard to rules and regulations should be placed at this point in the bill rather than anywhere else in the bill or after every paragraph in the bill.

Mr. BURKE of South Dakota. Will the gentleman yield?

Mr. TAYLOR of Colorado. Certainly.

Mr. BURKE of South Dakota. I notice that the language of the bill refers to the entryman or his family. The proposed substitute refers only to the entryman. Is there any question in the mind of the gentleman as to whether or not by leaving out the word "family" a construction might be put upon the language that really would not result in granting the absence that is desired? I call the attention of the gentleman to the fact that only recently, within the last 90 days, two decisions have been rendered—one in a case where the claimant had been absent a portion of the time earning his living and his family residing upon the land continuously and all the time.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURKE of South Dakota. I ask unanimous consent that the time of the gentleman from Colorado be extended five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. BURKE of South Dakota. Mr. Chairman, it was held in that case that it was an attempt on the part of the entryman to obtain title to the public domain by his family residing on the land. About the same time they rendered a decision where a family had resided on the land for some time and, lacking school facilities, the wife and mother of the children had gone to a town some distance from the homestead and spent a portion of the school year there in order to educate the children. In that case they rejected the proof on the ground that it was an attempt on the part of the entryman to acquire title by residing on the domain while the family was residing elsewhere. The gentleman is familiar with decisions of that kind.

Now, is the proposed substitute definite enough so that there will be no question about the matter of absence; so that they may hold, perhaps, that the entryman might be absent and the family might not be? I assume that what is desired is that there may be a period, not exceeding five months in any one year, when the entryman and his family may be absent, and it shall not interfere with the continuity of the three years' residence required under the proposed law.

Mr. MONDELL. It seems to me that there is no question but that the amendment proposed by the gentleman from Colorado makes it clear that the entryman may be away for a period not exceeding five months, and as no reference is made to the family the absence of the family with the entryman goes as a matter of course.

Mr. BURKE of South Dakota. I will say that I favor the substitute in preference to the language in the amendment which has been reported by the committee.

Mr. FRENCH. Mr. Chairman, I would like to offer an amendment to the pending amendment, that the words "and his family" be inserted after the word "entryman."

Mr. NORRIS. The substitute to which the gentleman refers has not yet been offered.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Colorado.

The Clerk read as follows:

Amend by striking out all after the word "law," in line 12, and to the word "section," in line 17, and insert:
"*Provided*, That the entryman may be absent from the land for not more than five months in each period of one year after establishing residence."

Mr. FRENCH. Mr. Chairman, I move as an amendment to the amendment that after the word "entryman" the words "and his family" be inserted.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend the amendment by inserting after the word "entryman" the words "and his family."

Mr. MANN. I will suggest to the gentleman from Idaho that it will make it worse for the entryman if he puts that in. Under the amendment offered by the gentleman from Colorado the entryman and his family both can be absent five months. During the seven months the family might be on the land and the entryman might be away as much as he could now be away.

Mr. FRENCH. Mr. Chairman, that which is in my own mind is perfectly clear, and what I wanted to do by this amendment is to prevent an interpretation by the department that might lead to embarrassment or confusion when trying to enforce this law. Some Members from the West, however, sitting around me feel that the amendment itself might lead to embarrassment through some construction, and as this is a matter that will be thrashed out further between the House and the Senate, I will withdraw my amendment at this time.

The CHAIRMAN. Without objection, the amendment will be withdrawn.

There was no objection.

Mr. LAFFERTY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend the amendment by striking out the word "five" and inserting the word "six."

Mr. LAFFERTY. Mr. Chairman, we have heard here to-day from every member of the Public Lands Committee who has spoken, that they would have left this bill giving the entryman six months' absence each year, except for the fact that they thought it would facilitate its passage by changing it to give him only five months. Furthermore, this amendment is very apt to be further amended in conference by providing that he can only be absent subject to the rules and regulations made by the Secretary of the Interior, and that will require time. If we are going to make the homestead laws as liberal as the Canadian homestead law, why not give the entryman six months' absence every year, under such rules and regulations as may be prescribed by the Secretary?

As I said awhile ago, that will not mean that he can work six months every year somewhere else for wages, because it will take two weeks to go into his place and two weeks to get

back to work, and that would not give him over five months to actually work elsewhere. We have the Canadian law, giving homesteaders six months' absence. There is no demand from any quarter that our homesteaders be cut down to five months. Every voice that has been heard here to-day is in favor of six months. Why not leave the bill in a shape that represents the sentiment of every Member of this House? For that reason I hope my amendment will be adopted.

Mr. FERRIS. Mr. Chairman, I want to say that the Secretary of the Interior is urging that this be cut down to four months, and I hope that the committee will not go further than the amendment making it five months. I ask for a vote.

Mr. HARRISON of Mississippi. Mr. Chairman, I do not come from the western country, I come from the Southland; I was gratified and pleased in listening to the speech made by the distinguished Speaker of this House only a few moments ago, when he said that we ought to encourage our own citizens to settle in this western country and that we should make the rules and regulations relative to the homestead laws the best possible in order to keep our citizens within our own confines and to encourage them, and thereby prevent so many of them from going into British Columbia or southwestern Canada.

I believe, Mr. Chairman, that in order to carry out that idea the amendment offered by the gentleman from Oregon [Mr. LAFFERTY] should be adopted. The law has been in the past and is now that six months' actual residence upon the homestead each year entitles a man after five years to obtain a patent. By this bill this committee increased that residency to seven months for no other reason than, it is suggested by the Secretary of the Interior, to extend the time of the residence to seven months and allow the entryman to be absent only five months in the year. I heard great applause, not only on this side of the Chamber but on that side, when the distinguished Speaker of this House said that we ought to make such rules and regulations as would lighten the burden on the homesteader in proving out his entry on your western lands. I thought then that the gentlemen on this committee would try to make laws, rules, and regulations that would encourage them, but when I see this committee by an amendment here making the burden heavier than the law which is now in force and opposing the amendment offered by the gentleman from Oregon [Mr. LAFFERTY], I fear that the applause was only of a fictitious character. I believe this amendment ought to be adopted, notwithstanding the opposition that some seem to think the Secretary of the Interior has to it. I believe we are here to legislate for the people, and are answerable to the people. I think we can take care of ourselves upon this proposition without any hindrance or intimidation from the Secretary of the Interior. His duty is to execute the law—ours is to enact the law. Let us keep our functions separate and apart, and thereby the people will be better satisfied—our institutions and our Government will be more secure, and better results will be reached. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon.

The question was taken; and on a division (demanded by Mr. LAFFERTY) there were—ayes 14, noes 34.

So the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Colorado.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amend, by adding after the word "shown," in line 19, page 2, the following:

"*Provided*, That when the person making entry dies before the offer of final proof those succeeding to the entry must show that the entryman had complied with the law in all respects to the date of his death and that they have since complied with the law in all respects, as would have been required of the entryman had he lived, excepting that they are relieved from any requirement of residence upon the land."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question was taken, and the committee amendment was agreed to.

The CHAIRMAN. The Clerk wil report the next amendment.

The Clerk read as follows:

Page 3, lines 9 and 10, strike out the words "actually changed his residence after establishing the same," and insert in lieu thereof the words "failed to establish residence within six months after the date of entry."

The CHAIRMAN. The question is on agreeing to the committee amendment.

Mr. MILLER. Mr. Chairman, I would like to inquire from some gentleman who can answer it the exact reason for inserting those words?

Mr. MONDELL. Mr. Chairman, those words are inserted in order to make clear what has been the interpretation of the homestead law—that an entryman had six months after making his entry within which to establish his home upon the land—and the words which are stricken out may or may not have been used as the foundation for that ruling. The meaning of those words is not entirely clear in the present law, and so the words "actually changed his residence after establishing the same" are stricken out and the words "failed to establish residence within six months after the date of entry" are inserted, so as to make the law clear and definite.

Mr. MILLER. Mr. Chairman, another point my attention is directed to is this: As the gentleman from Wyoming [Mr. MONDELL] well knows, the law as now applied and in force permits the entryman to make settlement upon his land within six months after the date of entry. However, if circumstances of a certain nature exist that legitimately excuse him from making that entry, he can upon application receive an extension of an additional six months. Does not this new wording entirely remove that opportunity which he has for making application and getting the additional six months?

Mr. MONDELL. Not at all, because the provision to which the gentleman refers is another provision, a proviso to this section, and in the Senate, through inadvertence, evidently, that proviso was left out and should be inserted in the bill in conference. I refer to the proviso that clearly gives the Secretary of the Interior the right to extend the time. This should be the general rule.

Mr. BURKE of South Dakota. Is that the law at the present time?

Mr. MONDELL. There is a proviso at the end of this section which was left out, I think, through inadvertence.

Mr. BURKE of South Dakota. That is, in the Senate bill?

Mr. MONDELL. In the Senate bill.

Mr. BURKE of South Dakota. The gentleman from Minnesota [Mr. MILLER] made the statement that under existing law an entryman had six months within which to begin residence upon his land. The law does not give him that, but the effect of the law is to give an entryman six months, because the entry is not subject to contest until it has been abandoned for more than six months.

Mr. MONDELL. There is nothing in the law now that is definite, but this is definite.

Mr. MILLER. But by construction of the department the entryman is and always has been allowed six months.

Mr. MONDELL. Yes; but now that we are reenacting the law, it is better to have it clear.

Mr. BURKE of South Dakota. There is nothing in the law at present that permits an extension to be granted for six months if he fails to go upon his land. In other words, if he has not first established a residence thereon.

Mr. MILLER. I beg the gentleman's pardon.

Mr. MONDELL. There is a proviso at the end of this section in the statute.

Mr. BURKE of South Dakota. That if the homesteader fails to begin residence upon his land within six months he may apply for an extension and have six months more within which to go upon the land?

Mr. MONDELL. Yes.

Mr. BURKE of South Dakota. When was that law enacted?

Mr. MONDELL. Quite a number of years ago. If the gentleman will refer to the Revised Statutes he will find that there is such a law. It is not quite broad enough. It provides that if unable to get on the land for climatic reasons he may make such application and have it granted. The gentleman will recall that he had a case in South Dakota a few days ago where it was suggested that that be amended by adding another reason, to wit, sickness. It is my opinion that when we readopt that provision in conference we ought to add that reason to the present law which gives the Secretary that power.

Mr. BURKE of South Dakota. Will the gentleman please read the section of the statute which has that proviso? There is no such law, Mr. Chairman.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. MILLER. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BURKE of South Dakota. Mr. Chairman, I want to say to the gentleman from Wyoming that, under the law, after an entryman has established a residence he may then apply for a leave of absence, but there is no law by which an entryman who fails to go upon his land from any cause, sickness, accident, or any other circumstances, may be granted additional time. He is absolutely at the mercy of anyone who may desire to file a contest against his entry.

Mr. MONDELL. Let me say to the gentleman that I know that he is generally right upon matters of land legislation. The proviso to which I referred is not in this copy of the Revised Statutes, but it is in the law and I have read it within the last 24 hours.

Mr. RAKER. I have it here; let me read it:

Provided, That where there may be climatic reasons the Commissioner of the General Land Office may, in his discretion, allow the settler 12 months from the date of filing in which to commence his residence on said land under such rules and regulations as he may prescribe.

Mr. BURKE of South Dakota. What section?

Mr. RAKER. Twenty-two hundred and ninety-seven, under date of March 1, 1881.

Mr. MONDELL. It is just what I told the gentleman it was; it is a proviso at the end of this section not printed in this statute.

Mr. BURKE of South Dakota. There is no such law. The gentleman is reading from a pamphlet, and we have the Revised Statutes here, and I challenge any gentleman to produce the statutes and show me that an extension of six months may be obtained when the entryman fails within six months to establish residence.

Mr. MONDELL. Let me suggest this, that in any event that provision, or some similar provision, should go into the bill in conference.

Mr. MORGAN. Will the gentleman yield?

Mr. MONDELL. The gentleman from Minnesota has the time.

Mr. MORGAN. Will the gentleman from Minnesota yield?

Mr. MILLER. I yield to the gentleman.

Mr. MORGAN. I would like to ask if it is not a fact that the law which the gentleman from California read applies solely to climatic conditions, but if a man was sick or had any other thing the matter with him and was not able to get on the land there is not a single line of law that gives the commissioner or the Secretary the authority to give six months more.

Mr. MILLER. The gentleman is entirely correct; the law is very plain and simple.

Mr. MONDELL. That is a feature of the law which should be corrected.

Mr. BURKE of South Dakota. Now, I want to ask the gentleman from Minnesota a further question, and the gentleman from Wyoming can probably answer it. [Laughter.] Under the language, as suggested by the committee, I would like to ask the gentleman if the entry might not be subject to contest where the entryman failed to establish residence in the first six months and did not get upon his land within seven or eight months and before contest had been filed, and the question is whether or not the entry might not be forfeited by a contest being filed subsequent.

Mr. MONDELL. The gentleman knows the answer to the riddle himself as well as anyone on the floor. The general rule of construction is that when the entryman settles upon the land in the absence of an intervening claim no laches that has occurred prior to that time can be invoked against him; therefore, without regard to this provision, when the entryman goes upon the homestead before any contest is filed his right attaches. The gentleman knows that has been decided a great many times.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. MADDEN. Mr. Chairman, I ask that the gentleman be given five minutes additional.

The CHAIRMAN. Is there objection. [After a pause.] The Chair hears none.

Mr. MILLER. Mr. Chairman, with the permission of the committee, I would like to say one or two things in reference to this provision. My inquiry was not simply one of curiosity, but based on some experience. We have two classes of public lands, if I may use that term, in this country, one class consisting of lands located in sections wherein the climatic conditions are not very severe and another class located wherein the climatic conditions are very severe. Those lands that still form a part of the public domain in the Northwest are of this latter class. By Northwest, I refer to public lands in Wisconsin, Minnesota, and Michigan. The only part of the public domain now remaining is in that wooded portion far to the north, where the climatic conditions are very, very severe. It was not many years ago that a large number of very honest homesteaders who had made proper application and tried to get upon the land within six months could not do so by reason of the floods. They absolutely could not get into the region.

Last fall there was an opening of lands on several Indian reservations, and all the entrymen, of course, had to take land subject to the homestead laws. That opening occurred late in the fall, and there followed conditions quite unprecedented. Early in November winter started in full force and continued almost without interruption until the present time. No man who had made entry could go upon the land and live there. I made application to the Secretary of the Interior to see if there was not some way in which an extension could be granted these honest entrymen. He replied by quoting this section, whereupon application was made, and I have no doubt they will receive a suitable extension. It seems to me that the language of this section absolutely precludes the possibility of any entryman securing an extension of six months due to climatic or any other conditions. A possible extension under certain conditions is a most salutary provision of the law. It should by all means be retained as a part of the law regulating homestead entry. By oversight, I have no doubt, this paragraph has been framed in such a way as to take away the right to an extension, and I think we ought to change the paragraph.

In addition, the paragraph as worded precludes any man who goes upon his land after six months and before contest is filed from perfecting his claim. There have been thousands and tens of thousands of cases where men have failed to get upon their land within six months, but who have established residences there prior to contest and become the very best of homesteaders. This paragraph would annihilate them.

Mr. MANN. Why does not the gentleman offer as an amendment to this section the provision which the gentleman from California [Mr. RAKER] read, with a slight change, by using the words "from climatic conditions" as an additional proviso?

Mr. MILLER. I am very thankful to the gentleman from Illinois for his suggestion. I had an amendment in mind, and will offer it now. I do not believe we ought to wait to do this in conference. We ought to frame the law as it should be here.

Mr. MANN. I would like to call the attention of the gentleman in charge of the bill to the proviso that is in the bill in this section No. 2297. It really relates to the loss of the rights of the entrymen, and is not the section under which he acquires rights. Now, you say in this section:

That the three years' period of residence herein fixed shall date from the time of establishing actual permanent residence upon the land.

In the other section, No. 2291, you provide that a patent shall issue at the end of three years from the date of entry, if they make application for it. The two sections, it seems to me, are contradictory.

Mr. MONDELL. Will the gentleman allow me?

Mr. MANN. Yes; if you can answer the puzzle. I do not ask to have it changed here now, but I call attention to that fact. In one place it says, in three years from the date of entry a patent shall issue, and in the other place it says that the three years shall date from the date of the residence upon the land, which, in the terms of the bill, may be six months after the entry, and if the amendment proposed to be offered by the gentleman from Minnesota [Mr. MILLER] prevails, one year after the period of the entry.

Mr. MONDELL. There is no conflict at all.

Mr. MANN. My friend from Wyoming——

Mr. MONDELL. I think I can prove it to the gentleman, if he will give me a moment.

Mr. MANN. I will in a moment, but the gentleman has had more moments than I. My friend from Wyoming is so familiar with the land laws that he tosses one section up in the air with one hand and one section with the other hand, and when they come down nobody can tell whether the one that went up from one hand comes down in the other hand, or vice versa. I have carefully examined these two sections and I know there is a conflict. Now, the gentleman can prove to me, if he can, that there is not.

Mr. MONDELL. I think if the gentleman will watch the juggler, the sleight-of-hand performance will be so simple that he will understand it. There is absolutely no conflict.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. MANN] has expired.

Mr. MONDELL. Mr. Chairman, I desire to be recognized.

The CHAIRMAN. The Chair will recognize the gentleman from Wyoming.

Mr. MONDELL. Section 2291 provides that the entryman shall live for three years on his land, with certain absences. The section just read gives the entryman six months within which to get on his land. Unless you have this proviso the department would have to rule that the first six months during which he shall be allowed absence shall count as residence, going back to the old rule that the department overturned by a decision last fall, because we now make it clear in this very section that the entryman need not go upon his land for six months after he files. We also make it clear that his time does not begin to run until he actually goes on the land. We also make it clear that he can not use his five months' absence at

the beginning of his entry; that he has got to get on the land and begin to live on it before he is entitled to any absence or any allowance for residence. And as this section is the section in which we allow him six months to get upon his land, it is the proper section in which to say that the period of residence shall not begin to run until he does get on the land.

Now, I think that the gentleman from Illinois can understand that. I think it is very plain and very simple. We are by this provision writing into the law what is the decision of the Land Office. We did not approve of it at the time it was made, and would not approve of it now if we were to continue a five-year residence, but as we are reducing the residence to three years the committee thought the entryman should not be allowed the six months' constructive residence that has heretofore been the rule.

Mr. LAFFERTY. Will the gentleman yield for a question?

Mr. MONDELL. I will be glad to do so.

Mr. LAFFERTY. Why should we not give the man six months in which to establish his residence——

Mr. MONDELL. We do.

Mr. LAFFERTY (continuing). And then let him put in the following six months on the claim, and then count that as one year of the three years required, as they do in Canada?

Mr. MONDELL. The committee did not think it was good policy. They thought if we are to reduce the time to three years, and to give certain definite periods of absence, that it should be clear that the entryman did not begin to earn his patent until he had gotten upon the land and had established his residence.

Mr. RAKER. Will the gentleman yield?

Mr. MONDELL. I will be glad to do so.

Mr. RAKER. This provision on page 3, lines 13 to 16, reads as follows:

Provided, That the three years' period of residence herein fixed shall date from the time of establishing actual permanent residence upon the land.

In other words, that if the man makes his filing in the land office, and he waits until six months or within one day of until he makes his permanent residence upon the place, then there must be three years——

Mr. MONDELL. After that date?

Mr. RAKER. After that date, before a certificate of purchase can issue.

Mr. MONDELL. That is correct.

Mr. RAKER. In other words, if the amendment suggested by the gentleman here to give him further time for sickness, or climatic conditions should intervene or interfere, then if he is given six months under the law and another five months because of sickness, his three years of residence must commence after the 11 months have expired.

Mr. MONDELL. That is true.

Mr. MANN. Mr. Chairman, the confusion which my distinguished friend from Wyoming and my distinguished friend from California fall into comes about because they consider this is all one section on a bill. But this is to amend two separate sections of the Revised Statutes—one to amend section 2291 and one to amend section 2297. Section 2297 does not relate at all to the granting of a patent to the land or to the right which the entryman acquires. It relates only to his proving his right, and refers to the expiration of three years, and then provides the time of residence hereafter fixed. That is in section 2297. That is the method of losing residence.

Now, the other section is the section under which he acquires title, and what does it say? Until the expiration of three years from the date of the entry he is not entitled to his patent, and under the other provision of the law he does not need to live on the land for five months in the year, and if at the end of the fifth month he enters upon the land and lives the balance of the seven months of the year on that land at the end of three years he is entitled to the patent, regardless of the provisions in the other section.

Now, if it is the intention to have the three years run from the date of the residence on the land that provision ought to be to amend that section of the statute.

Mr. FERRIS. Mr. Chairman, I am inclined to think that the gentleman is right about that. A proviso on section 2297 does not limit section 2291. To offer the same proviso after section 2291 would bring about the desired result, and there would be no question about it.

Mr. MANN. There would be no question about it. Otherwise there would be a conflict.

Mr. MONDELL. Mr. Chairman, I do not object to the change, but it is not at all necessary, and every man who knows anything about the homestead laws knows that there are some 10 or 12 sections; that they all contain some provisions and requirements; and they are all construed together. There is no objection to putting this in the other section, but it belongs here just as much as it does in the other place.

Mr. MANN. Put it in both places, then.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to.

Mr. LAFFERTY. Mr. Chairman, I wish to offer an amendment.

Mr. TAYLOR of Colorado. Mr. Chairman, let us finish the other committee amendments.

Mr. MANN. We are through with committee amendments on this paragraph.

Mr. MILLER. Mr. Chairman, I move to amend the paragraph——

Mr. TAYLOR of Colorado. I will ask the gentleman to wait a moment. I want to offer some amendments in addition to the committee amendments.

Mr. MILLER. I will offer this one. I do not think it will interfere with those of the gentleman from Colorado. I move to amend page 3, line 16, after the word "land," by removing the period and inserting the following:

And provided further, That where there may be climatic reasons, sickness of the entryman, or other unavoidable causes the Commissioner of the General Land Office may, in his discretion, allow the settler 12 months from the date of filing in which to commence his residence on said land, under such rules and regulations as he may prescribe.

Mr. LAFFERTY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LAFFERTY. The amendment I desire to offer is to strike out, beginning on page 3, line 13, three lines. I conceive that my amendment should be offered first, because otherwise this amendment would not fit in properly. I think an amendment to strike out any part of the paragraph should come before an amendment to follow the end of the paragraph.

The CHAIRMAN. The Chair will state to the gentleman from Oregon that the Chair has not the amendment of the gentleman before him, so that he can not tell anything about it. If the gentleman from Minnesota [Mr. MILLER] will be kind enough to send his amendment to the Clerk's desk and have it read, the Chair can judge concerning it.

Mr. LENROOT. Mr. Chairman, I have an amendment. While you are waiting for the other amendment I will offer this one.

The CHAIRMAN. The gentleman from Wisconsin [Mr. LENROOT] will send his amendment to the Clerk's desk. Is the gentleman from Minnesota [Mr. MILLER] ready with his amendment?

Mr. MILLER. I send it to the desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Minnesota [Mr. MILLER].

The Clerk read as follows:

Amend by adding after the word "land," in line 16, the following: "*And provided further*, That where there may be climatic reasons, sickness of the entryman, or other unavoidable causes, the Commissioner of the General Land Office may, in his discretion, allow the settler 12 months from the date of filing in which to commence his residence on said land, under such rules and regulations as he may prescribe."

[Cries of "Vote!" "Vote!"]

Mr. MORGAN. Mr. Chairman, I would like to offer an amendment to that amendment. I move to insert the word "poverty" after the word "sickness."

Mr. MANN. Oh, no.

The CHAIRMAN. Does the gentleman from Oklahoma [Mr. MORGAN] offer an amendment?

Mr. FERRIS. Mr. Chairman, I do not know with what degree of seriousness my colleague offers that amendment, but in any event that will open the door so wide as to endanger the passage of this bill. I do not think it ought to be adopted.

Mr. MANN. I do not think the gentleman offered his amendment.

Mr. FERRIS. I understood he offered an amendment to insert the word "poverty" after the word "sickness."

Mr. MORGAN. After the word "sickness," yes.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Oklahoma [Mr. MORGAN].

The Clerk read as follows:

Amend the amendment by adding after the word "sickness" the word "poverty."

Mr. MORGAN. Mr. Chairman, I am surprised that the gentleman should think this amendment is not a proper one. Mr. Chairman, on broad, general principles we ought to grant this privilege to the man who can not get on his land in six months on account of poverty. I do not know what better excuse a man could have for not getting on his land than that he has not the money necessary to get there; and, so far as I am concerned, we should try to help the poor man above all others

In disposing of the public domain we should place it within reach of the poor man if possible. I am surprised that there should be a single objection to the amendment which I offered.

In the present law there is a provision giving the commissioner authority to grant leaves of absence to those who can not maintain residence, on account of failure of crops, sickness, or other casualty. Why not recognize poverty as a valid excuse for failure to establish residence within six months? Give the poor man a chance; we will injure no one. We will help those who need assistance most, and the Government will lose nothing. I hope all objection will be withdrawn and that the amendment will be agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. MORGAN] to the amendment of the gentleman from Minnesota [Mr. MILLER].

The question being taken, the amendment to the amendment was rejected.

Mr. MORGAN. Mr. Chairman, I offer another amendment to the amendment of the gentleman from Minnesota [Mr. MILLER], to add the provision that the affidavit supporting this application for an extension of time may be made in any State of the Union before any officer authorized to administer oaths.

Mr. MILLER. Is not that the law now?

The CHAIRMAN. Will the gentleman send his amendment to the Clerk's desk so that it may be reported?

Mr. MORGAN. My amendment is not in writing, but I will prepare it.

Mr. TAYLOR of Colorado. Mr. Chairman, a parliamentary inquiry. While the gentleman is preparing his amendment, would it be in order to offer two or three small amendments to the form of the bill?

Mr. MANN. We can not wait for a Member to prepare amendments.

Mr. MORGAN. Mr. Chairman, I will have this ready in just a moment. I believe it is important.

The CHAIRMAN. The question is on the amendment of the gentleman from Minnesota [Mr. MILLER].

The question being taken, the amendment of Mr. MILLER was agreed to.

Mr. TAYLOR of Colorado. Mr. Chairman, I offer an amendment to come in after the word "by," in line 3, page 2.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 3, after the word "by," insert the words "himself and by."

The question being taken, the amendment was agreed to.

Mr. TAYLOR of Colorado. Mr. Chairman, I move to amend, in line 4, page 2, after the word "have," by inserting the word "actual."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, in line 4, page 2, by inserting after the word "have" the word "actual."

The question being taken, the amendment was agreed to.

Mr. TAYLOR of Colorado. Mr. Chairman, I move to amend, in line 4, page 2, by striking out the word "or" and inserting in lieu thereof the word "and."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, on page 2, line 4, by striking out the word "or" and inserting the word "and."

The question being taken, the amendment was agreed to.

Mr. TAYLOR of Colorado. Those are all the amendments offered by the committee to this section.

Mr. LA FOLLETTE. Mr. Chairman, the United States Government was second to none in the world in its liberal treatment of the settler on its public domain for many years. While we had millions of acres of the richest and best land to dispose of, it made it very easy to acquire homesteads, preemptions, and timber claims, also to secure land under the stone and timber act. All constructions of law and rulings seemed to be made, then, with a view to helping the man to acquire title from the Government. This policy was pursued for so long and so liberally it was inevitable that some abuses should arise. But as the public domain diminished and strife for land became more acute, these abuses became more and more apparent and the courts and the department, especially the latter, became more strict in their interpretation and the execution of the laws, with the result that they have swung to the other extreme and are making life hard indeed for the men who are trying to carve homes from our mountain fastnesses, from our semiarid plains, and from the ragtag and fag ends of our once seemingly inexhaustible domain.

Those settlers who, from virtue of the class of land they are compelled to homestead, should be treated with the greatest liberality are treated with czar-like severity; and by espionage by special agents, and persecution, are often prevented from securing homes for themselves and families, as they are absolutely prohibited from leaving the place they call home long enough to earn enough to keep soul and body together while trying to improve and make possible a livelihood from the land.

It was all right when the land was all good to exact five years of actual residence, as the land was usually adequate to take care of the homesteader and improvements during the time. With the character of land left it is almost a necessity, if a man is not full-handed when he goes on the land, that he have some outside help to make available the possibilities of the land. If he can acquire title in three years, he will have enough improvements on the place to use the improvements and land for security for assistance to make better improvements, to buy stock for grazing, and other purposes.

Conditions are such now that the most liberal policy should be adopted instead of, as practiced now, the most drastic in the history of our Government.

Mr. Chairman, I sincerely hope that this bill may pass.

A general revision of the land laws is needed, with a view to aiding rather than obstructing the settler in his efforts to establish his rights and for the removal of conditions which constantly harass him in his struggle to build a home for himself and family.

As an evidence of conditions which should not be permitted to exist I am constantly in receipt of letters like the following:

Hon. WILLIAM L. LA FOLLETTE,
House of Representatives, Washington, D. C.

DEAR SIR: We are tormented here with what the people call hobo wildcat miners. They have prospected over this country for mineral for the last 13 years and have never developed a paying mine yet. At present there is not a mine running in the country. However, there are very few of the homesteaders who have not proven up on their ranches but what these hobo miners are giving them lots of trouble. They (the miners) want to sell out to the ranchers, or they will contest their homesteads and delay their patents for two or three years. Our United States land commissioner here is holding some of those worthless claims on my homestead, and he notified me not to fence or improve it in any way. I would like to ask you if he has any right to hold such claims while he is holding that office; also if there is any way to put a damper on this hobo mining business. Thanking you in advance, I remain,

Yours, truly, J. H. SMITH.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HEFLIN having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment the bill (H. R. 17671) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors.

The message also announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested.

H. R. 14918. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The message also announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 17681. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1913, and for other purposes.

HOMESTEAD ENTRIES.

The committee resumed its session.

Mr. LENROOT. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend by adding after line 2, on page 3, the following:
"No entry for a homestead, or patent issued on the same, shall convey any right to salt, coal, petroleum, natural gas, gold, silver, copper, iron, or other minerals within or under the land covered by the patent.

Mr. LENROOT. Mr. Chairman, I am entirely in sympathy with the proposition to make it easier for the honest homesteader to acquire agricultural lands, but I believe the time has come when we ought to reserve to this Government all mineral lands, especially with reference to homesteads. We ought to do it for two reasons.

If this amendment is adopted, there is very much less danger that the homestead laws will be abused for the purpose of getting homesteads under the guise of seeking a farm, when, instead, it is for some ulterior purpose.

Secondly, from the reports of the Stanley committee and other committees we have seen that one of the gravest evils confronting us to-day is the monopoly of natural resources, especially minerals in this country.

If this Government had maintained a policy from the beginning, as it did originally adopt it in 1785, of reserving to itself the control of the mineral rights in the public domain, we would have had no such thing as a monopoly in minerals to-day; and from the standpoint of revenue we would not be inquiring in which direction to turn in order to secure revenue sufficient to run the Government from year to year.

For instance, the grant to the State of Minnesota of a very small portion of the public domain a great many years ago has been so wisely handled by that State that from royalties they have to-day in their school fund $21,000,000, and from the iron-ore leases alone their revenue this year is over $119,000.

Now, Mr. Chairman, who can ask that in the agricultural homestead this Government ought to part with its mineral rights, with the mineral that may underlie that land. It ought to belong to the Government for the use of the Government. We have recognized it in the last five or six years so far as coal lands are concerned, and we are separating and classifying them. But if every patent to a homestead should reserve the mineral in the Government it would open up vast fields for homesteaders that are desirous of obtaining them and enable settlers in the far West to go on with agriculture.

Now, much has been said with reference to this bill now pending being in accord with the Canadian law. I want to say that this amendment I have offered is in the identical words of the Canadian law. Whoever says that the Canadian law is a law that we should follow ought to be willing to adopt this amendment here and now. [Applause.]

Mr. MONDELL. Mr. Chairman, I trust that the amendment will not be adopted. A homestead settler when he goes upon his land makes affidavit that the land is not mineral in character. For the entire period during which he lives on the land the mineral character of the land can be developed by anyone. When he makes his final proof he must prove by two witnesses that the land does not contain any mineral. During all that time the Federal agents are going about over the country to see that the mineral lands are not entered under the agricultural-land law.

But after the entryman makes his final proof and before he receives his patent, which is from one to two years, the question of the mineral character of the land can be raised, and for six years after the patent is issued the question of the mineral character of the land can be raised, providing it is proven that the entryman had any knowledge of the existence of minerals. I have never heard anyone that claimed that any considerable amount of mineral land had passed from the hands of the Government under the homestead law.

Mr. ANDERSON of Minnesota. If that is true, what is the gentleman's objection to it?

Mr. MONDELL. My objection is that all the patents that have ever been written by the Government of the United States, in the gentleman's State, in all the States, all the patents that your people hold, are patents from the dome of heaven to the center of the earth, and all patents should be so, if it is possible to have them so and do justice. We do not allow the homesteader to take mineral land at all; we dispose of those lands under another law. But if it should happen that here and there some farmer, 50 or 60 or 100 years after he secures the patent from the Government, should find a little mineral on his land, who is going to be hurt by it? The Canadian law is a monarchial law, the law of England, carrying out the idea that the mineral belongs to the sovereign. It is un-American, and it has no place in the legislation of this Republic.

Mr. LENROOT. Who does it belong to?

Mr. MONDELL. The mineral belongs to the man who holds the title, if it shall be discovered long after the patent was issued. The Government has from 4 to 10 years within which to raise the question of the nonmineral character of the land. I want to suggest to the gentleman that his amendment would not allow the entry of mineral land. It would simply reserve all the mineral that might be in the land that had been proven to be nonmineral. It is not in accordance with the established custom of the country. Our people came here to get away from the monarchical idea that the mineral belonged to the crown; that a few grains of minerals found here or there in private property should be turned over to the Central Government. We do not pass mineral lands under the homestead laws, but if by any possibility a little mineral should be discovered long after the homesteader has received his patent who is injured thereby?

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. PICKETT. Mr. Chairman——

Mr. LAFFERTY. Vote! vote!

Mr. MANN. Mr. Chairman, I ask unanimous consent that debate on this amendment close in five minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that debate on this amendment close in five minutes. Is there objection?

There was no objection.

Mr. PICKETT. Mr. Chairman, I shall start what I have to say by suggesting to the gentleman from Oregon, who, when I rose to take the floor, began to cry "vote," that after we are endeavoring to liberalize the laws for gentlemen from western States, like the State he represents, it comes with very poor grace to cry "Vote! vote!"

Mr. LAFFERTY. Mr. Chairman, will the gentleman permit me to make one observation in reply, since he has criticized me in that manner?

Mr. PICKETT. Certainly; proceed.

Mr. LAFFERTY. I desire to say that the people of Oregon are not demanding this law any more than the people of the gentleman's State are demanding it. Letters are coming to me from every part of the Union.

Mr. PICKETT. I am not yielding for a speech. If the gentleman desires to make an observation, make it.

Mr. LAFFERTY. My observation is that when you give a man a home under the homestead law, he should not rest under the constant fear that somebody, some agent of the Government, is going to take it away from him upon the ground that a few grains of mineral are under the soil.

Mr. PICKETT. I am not making any reference to that. I am speaking of the propriety of the gentleman, after having the floor for 30 minutes——

Mr. LAFFERTY. The gentleman from Iowa could have had the floor if he had asked it.

Mr. PICKETT (continuing). Immediately begins to cry "Vote!" when a member of the committee who has not had the floor rises to speak.

Mr. Chairman, the amendment offered by the gentleman from Wisconsin [Mr. LENROOT] seems to me to be a good one. When my good friend from Wyoming [Mr. MONDELL] suggested that it was adopting a monarchical custom prevailing in other countries, he overlooked the fact that this whole law purports to be patterned after the Canadian law; and if that is true, as was suggested by the gentleman from Wisconsin [Mr. LENROOT], why not also embody the reservations and the limitations that are in the Canadian law for the benefit of the people? While it may be true that the minerals in the monarchical system, as the gentleman from Wyoming suggests, are reserved to the Crown, it should be true in this country that they should be reserved to the sovereign—that is to say, to the people. That is all that the amendment is purposed for.

Mr. MONDELL. Mr. Chairman, will the gentleman yield for a question?

Mr. PICKETT. With pleasure.

Mr. MONDELL. Is there any such reservation in the good old State of Iowa?

Mr. PICKETT. I do not know that there is.

Mr. MONDELL. There is not.

Mr. PICKETT. I suppose there is not.

Mr. MANN. The people would be better off if there had been.

Mr. PICKETT. But, assuming that to be true, the fact that we have pursued an erroneous policy in the past is no justification for continuing it in the future. Mr. Chairman, this amendment is in conformity with the suggestions which come from the Secretary of the Interior, and, while that may not carry weight with some Members of this House, I think it is entitled to be considered and is entitled to weight. I do not desire to discuss the matter further than to observe that, in my judgment the amendment is a good one; and, at least, if the amendment is adopted by the House, it can go to conference and there be considered with the other provisions of the bill.

Mr. FERRIS. Mr. Chairman, I just want to make this one observation, and I do not believe that I should take more than a minute. The policy suggested by the amendment offered by the gentleman from Wisconsin [Mr. LENROOT] inaugurates a new scheme, and it is quite probable and does, I think, in fact classify every acre of land in the United States which belongs to the public domain as mineral land. Whether it is wise to do that or unwise to do that, we ought not to inject it into this debate and into consideration of this bill, where we are proposing simply to change the time required in proving up a homestead from five years to three years. I hope the committee who have heard this debate and have not had time to consider this policy will let the proposition wait, whether it be wise or unwise, until some time when we can consider it upon its merits.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken; and on a division (demanded by Mr. TAYLOR of Colorado) there were—ayes 30, noes 38.

So the amendment was rejected.

Mr. ANDERSON of Minnesota. Mr. Chairman, I make the point of order there is no quorum present.

The CHAIRMAN. The gentleman makes the point of order that no quorum is present. The Chair will count. [After counting.] Eighty-nine Members are present——

Mr. ANDERSON of Minnesota. Mr. Chairman, I withdraw the point.

Mr. MANN. I move that the committee do now rise. The gentleman can not withdraw after the Chair has announced there is no quorum.

The CHAIRMAN. The gentleman from Illinois moves that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FOSTER of Illinois, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 3367, and had come to no resolution thereon.

Mr. FERRIS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 3367, the bill which was under consideration.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 3367, with Mr. FOSTER of Illinois in the chair.

Mr. LAFFERTY. Mr. Chairman, I desire to offer an amendment. On page 3, line 13, beginning with the word "provided," strike out all from the word "provided" down to the end of the paragraph.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by striking out all of line 13, after the word "Government," and the three succeeding lines.

Mr. LAFFERTY. Mr. Chairman, now I want to call the attention of the committee to one thing. The gentleman from Illinois [Mr. MANN] was correct when he said that this proviso is in direct conflict with the first section of this bill. The first section says after three years a man can get his patent. A further provision says that he can have six months in which to go upon the land. Then this proviso I seek to strike out says that he can not get his patent until three years, or can not prove up for three years, after he made actual residence. Therefore the proviso I seek to strike out makes this not a three-year homestead, but it makes it a three-and-a-half-year homestead. If we are going to put in any of these provisions of the Canadian law, this certainly ought to be done.

The question was taken, and the amendment was rejected.

Mr. LENROOT. Mr. Chairman, I have an amendment to section 1.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Add to the end of section 2297 as amended, the following:
"No entry for a homestead or patent issued on the same shall convey any exclusive or other property or interest in or any exclusive right or privilege with respect to any lake, river, spring, stream, or other body of water within or bordering on or passing through the land covered by the entry."

Mr. LENROOT. Mr. Chairman, this is an amendment recommended by the Secretary of the Interior, and is also in the words of the Canadian law which has been so strongly approved by gentlemen favoring this bill this afternoon; and I want to say to the gentlemen from these western land States that if they are entirely and wholly in good faith now they will vote for this amendment, because those gentlemen well know that many thousands of acres of land are now withdrawn, and properly withdrawn, because of water-power sites located upon some portion of them. If this amendment is adopted, reserving to the Government the right, so far as the power site is concerned, every acre of those withdrawn lands can be thrown open to settlement under homestead without injury to the Government and at the same time doing much to settle the agricultural possibilities of the western country. I am anxious to see what gentlemen are going to say in opposition to this amendment.

Mr. MANN. May I ask unanimous consent on agreeing to close debate on this, because we can not stay here much longer. I ask unanimous consent that debate on this amendment close in five minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that debate on this amendment close in five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MARTIN of Colorado. Mr. Chairman, I will take only a minute or two to say that my objection to the gentleman's amendment is that I do not consider this the time or place or that this is a measure on which to engraft such legislation as this.

Mr. Chairman, we can not put into this bill, which merely seeks to shorten the time of residence on the homestead from five to three years, all the reforms and amendments which ought to go into the land laws of this country. I would like to put an amendment into this law that I consider very much more beneficial to the settlers upon the public domain than the amendment of the gentleman from Wisconsin [Mr. LENROOT], and that is this: I would like to reduce the number of acres required to be cultivated under the enlarged homestead act from 80 to 40. In my experience that is the greatest burden and hardship under the enlarged homestead act that is imposed on the settlers on the public domain. It has been the greatest source of complaint of which I have heard.

I think it is an illogical and absurd requirement to make settlers plow 80 acres of land every year. We give a settler 320 acres of land because he can not make a living on 160 acres. He can not make a living on 160 acres because he can not raise crops on any part of it, and yet we turn right around and make him break his back year after year by plowing 80 acres of his 320 acres, wasting all his substance on it, dissipating his efforts over that great area without beneficial results, and absolutely destroying it for purposes of pasturage. I would like, Mr. Chairman, to relieve them of that burden, but I do not propose to undertake it in this bill, and that is the objection I have to the amendment offered by the gentleman from Wisconsin [Mr. LENROOT].

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. LENROOT].

The question was taken, and the amendment was rejected.

Mr. LENROOT. Mr. Chairman, I have one other and last amendment.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

At the end of line 16, on page 3, add the following:
"If any entry is made for land which, though not reserved at the time, is ascertained by the Secretary of the Interior to be chiefly valuable on account of merchantable timber upon it the entry may be canceled within six months of its date."

Mr. LENROOT. Mr. Chairman, just a word in reference to this amendment. This is another of the amendments recommended by the Secretary of the Interior, but I want to frankly say it is unlike the Canadian law. The Canadian law, which has been spoken of so often this afternoon, provides that if there be any timber of value upon an entry the minister may cancel the entry. My amendment provides that if it shall be ascertained that land is chiefly valuable because of the timber upon it, then the entry may be canceled within six months; and, Mr. Chairman, I heard no reply with reference to the amendment I offered a moment ago. I am wondering now whether our friends in the western land States desire this homestead shortening of the time for the purpose of enabling the men to get large tracts of timber to sell to the Timber Trust, or do they desire it for the purpose of the homesteader who desires to make for himself a home and a farm. If that is the desire, I am in the fullest sympathy with that.

Mr. RAKER. Will the gentleman yield?

Mr. LENROOT. I will.

Mr. RAKER. Is it not a fact that under the present law and rulings of the department a man can not get the land designated by the gentleman when it is chiefly valuable for timber?

Mr. LENROOT. I think not.

Mr. RAKER. There is not any decision to the contrary.

Mr. LENROOT. If it is classified as open to homestead entry——

Mr. RAKER. And the gentleman would not object, would he, supposing there were 160 acres of land, 140 of it being agricultural land and 20 of it being timberland, that the 20 acres of timber should be left to the man who made the entry?

Mr. LENROOT. It would not be chiefly valuable for timber in that event, and my amendment only goes to land that is chiefly valuable for timber.

Mr. MANN. If that is existing law, what is the objection to putting it in here?

Mr. LENROOT. What is the objection to putting it in here?

Mr. RAKER. There are bills pending before the committee upon these different subjects, and why should we burden this bill simply because of the question of limitation and other questions?

Mr. LENROOT. If I thought for a moment there was an opportunity to be presented at this session of Congress to offer this as an amendment to some other bill, I would not have of-

fered the amendment here now; but I do not believe, nor does the gentleman from California believe, that we will have another opportunity to do this at this session of Congress.

Mr. RAKER. If the gentleman will permit me, I will say that every effort is being made to bring such bills in here.

Mr. LENROOT. I hope they may be, but I do not believe they will.

And, Mr. Chairman, just one other suggestion—that when we are shortening the time for these homesteaders from five years to three years, it is not unreasonable that we should put into the law these various amendments that I have offered. It does not hurt them; it does not harm them. The theory of the law is that they are going to get homesteads for agricultural purposes and nothing more, and not one amendment that is offered has sought to limit that in the slightest degree.

Mr. LAFFERTY. Mr. Chairman, I desire to be heard in opposition to the amendment.

Mr. MANN. Mr. Chairman, can we get an agreement about closing debate? If we can not, I will have to make the point of no quorum. I do not care whether we go ahead or not.

Mr. NORRIS. Mr. Chairman, I notice that the gentleman from Washington [Mr. LA FOLLETTE] has been trying all the afternoon to get in, and there are others who want time. I do not desire to shut out any Member who wants to speak.

Mr. LAFFERTY. Let me have two minutes.

Mr. MANN. I do not desire, either, to shut out anyone who wants to speak.

Mr. LAFFERTY. Mr. Chairman, I would like to have a minute and a half of time. The gentleman from Wisconsin [Mr. LENROOT] has thrown out a challenge. This is a very important matter.

Mr. MANN. I ask unanimous consent, Mr. Chairman, that debate on this amendment close in six minutes.

Mr. NORRIS. The gentleman from Washington [Mr. LA FOLLETTE] has not been recognized all afternoon, and there are other gentlemen who wish to be heard.

The CHAIRMAN. What request does the gentleman from Illinois make?

Mr. MANN. I will not make any request. But I am not going to stay here until half past 6 o'clock to-night without a quorum. The gentleman from Nebraska [Mr. NORRIS] thinks they ought to have more time, and I think myself they ought to have more time.

Mr. NORRIS. Mr. Chairman, here is a gentleman who has been trying all the afternoon to get an opportunity to speak.

The CHAIRMAN. The gentleman from Washington [Mr. LA FOLLETTE] is recognized.

Mr. LA FOLLETTE. Mr. Chairman, I would have been through before now if I had been allowed to go on.

Mr. Chairman, I would like to have the gentleman from Wisconsin [Mr. LENROOT] tell me of any timber in the United States that can be acquired in large quantities, either by fraudulent entries or any other kind of entries, at the present time. If he will point out where it is, he will confer a great favor upon a great many people who are looking about for just such "snaps." [Laughter.] The truth is that outside of the forest reserves there is very little timberland of value left in the United States, and I protest against our passing any drastic legislation here that will prevent honest settlers from going on our mountain lands that have more or less timber on them and trying there to acquire homes, and which will leave it to the discretion and determination of the Secretary of the Interior in Washington and some of his hired agents who are sent out, who know nothing about the conditions as to whether the land is more desirable for timber or for agricultural purposes.

Mr. LENROOT. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Washington yield to the gentleman from Wisconsin?

Mr. LA FOLLETTE. Yes.

Mr. LENROOT. If, as the gentleman says, there is no such timber left open, then this amendment would not be drastic.

Mr. LA FOLLETTE. No; but lots of men are being made miserable who are trying to acquire homesteads honestly under the land laws of the United States. [Applause.]

I have lived on the frontier for the last 36 years, gentlemen, and I think I know as much about the lands that are left unsettled as anybody in the House, and I am here to tell you that we have not got any very valuable timberlands left. If any settlers can go into the lands that are left unsettled, with some timber on them, and acquire homes, they surely ought to have that privilege. [Applause.]

Mr. MORSE of Wisconsin. Mr. Chairman, I am sick and tired of hearing gentlemen get up on the floor of this House and roast executive officers of this Government who are sworn to do their duty and who are doing their duty. I want to tell you that when the Secretary of the Interior enforces the law which we put upon the statute books he should have the moral support of every Member of this House. [Applause.] I make the point of no quorum.

SEVERAL MEMBERS. Oh, no! Withdraw it!

Mr. MORSE of Wisconsin. No; I will not withdraw it.

The CHAIRMAN. The gentleman from Wisconsin [Mr. MORSE] makes the point of no quorum. The Chair will count. [After counting.] There are 95 Members present—not a quorum.

Mr. FERRIS. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. FOSTER of Illinois, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 3367) to amend section 2291 and section 2297 of the Revised Statutes of the United States relating to homesteads and had come to no resolution thereon.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent that those who have spoken on the bill to-day have permission to extend their remarks in the RECORD.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent that those who have spoken on the bill to-day have leave to extend their remarks in the RECORD. Is there objection?

Mr. MANN. On this bill.

The SPEAKER. On this bill and no other.

Mr. MANN. For five legislative days.

The SPEAKER. For five legislative days. Is there objection?

There was no objection.

ENROLLED BILL SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 11824. An act to amend section 113 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911.

SENATE BILLS AND HOUSE BILL REFERRED.

Under clause 2, Rule XXIV, Senate and House bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 4144. An act to increase the limit of cost of the United States post-office building at Greeley, Colo.; to the Committee on Public Buildings and Grounds.

S. 5446. An act relating to partial assignments of desert-land entries within reclamation projects made since March 28, 1908; to the Committee on the Public Lands.

H. R. 17681. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1913, and for other purposes; to the Committee on Appropriations.

ADJOURNMENT.

Mr. RAKER. I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 46 minutes p. m.) the House adjourned until to-morrow, Thursday, March 21, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Acting Secretary of the Interior, submitting estimate of appropriation for the installation of an electric elevator in the east wing of the Patent Office Building, Washington, D. C. (H. Doc. No. 636); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting, with his favorable recommendation, draft of a bill providing for the disposition of effects of deceased patients of the Public Health and Marine-Hospital Service and of certain deceased officers and men connected with the Army (H. Doc. No. 633); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Commissioners of the District of Columbia submitting estimates of deficiencies in appropriations required by the District for the fiscal year ending

June 30, 1912 (H. Doc. No. 634); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Woodbury Creek, N. J. (H. Doc. No. 635); to the Committee on Rivers and Harbors and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HAY, from the Committee on Military Affairs, to which was referred the bill (S. 271) to authorize the collection of the military and naval records of the Revolutionary War, with a view to their publication, reported the same with amendment, accompanied by a report (No. 431), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SLAYDEN, from the Committee on the Library, to which was referred the bill (H. R. 18841) incorporating the National Institute of Arts and Letters, reported the same without amendment, accompanied by a report (No. 433), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. PEPPER, from the Committee on Military Affairs, to which was referred the bill (H. R. 21952) for the relief of James S. Baer, reported the same without amendment, accompanied by a report (No. 432), which said bill and report were referred to the Private Calendar.

Mr. RUBEY, from the Committee on the Public Lands, to which was referred the bill (H. R. 18904) to perfect the title of the heirs of James S. Rollins, deceased, to bounty-land warrant No. 58479, issued to George Hickman, teamster, United States Quartermaster's Department, War with Mexico, reported the same with amendment, accompanied by a report (No. 434), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. AYRES: A bill (H. R. 22139) to improve the housing of animals in the District of Columbia; to the Committee on the District of Columbia.

By Mr. WOODS of Iowa: A bill (H. R. 22140) for the acquisition of a site and the erection of a building thereon at Algona, Iowa; to the Committee on Public Buildings and Grounds.

By Mr. DAVENPORT: A bill (H. R. 22141) creating an arbitration court in the Seminole Nation, State of Oklahoma, with jurisdiction to hear and determine controversies as to certain land titles in the Seminole Nation, Okla., and for other purposes; to the Committee on Indian Affairs.

By Mr. MARTIN of Colorado: A bill (H. R. 22142) to develop a national system and policy of waterways, to create the waterways commission, to regulate and charge for the use of the improved navigable waters of the United States, to provide a fund for the improvement of the same, to regulate and charge for the use of water powers, and for other purposes; to the Committee on Rivers and Harbors.

By Mr. JONES: A bill (H. R. 22143) to establish a qualified independent government for the Philippines and to fix the date when such qualified independence shall become absolute and complete, and for other purposes; to the Committee on Insular Affairs.

By Mr. TALCOTT of New York: Memorial of the Senate of the State of New York, favoring the construction of a battleship at the Brooklyn Navy Yard; to the Committee on Naval Affairs.

Also, memorial of the Legislature of the State of New York, in relation to the improvement of the inlet of Lake Champlain; to the Committee on Rivers and Harbors.

By Mr. AYRES: Memorial of the Senate of the State of New York, requesting that a battleship be built at the Brooklyn Navy Yard; to the Committee on Naval Affairs.

Also, memorial of the Assembly of the State of New York, asking improvement of inlet of Lake Champlain; to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Ohio: A bill (H. R. 22144) granting an increase of pension to Peter R. Stouffer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22145) granting an increase of pension to Johnathan L. Irwin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22146) granting an increase of pension to William H. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22147) granting an increase of pension to Aaron B. Stevenson; to the Committee on Invalid Pensions.

By Mr. AUSTIN: A bill (H. R. 22148) for the relief of James H. Smith; to the Committe on Claims.

Also, a bill (H. R. 22149) granting an increase of pension to David Hannam; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22150) granting an increase of pension to Wyley Oglesby; to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 22151) granting an increase of pension to Jacob Oberdeck; to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 22152) granting a pension to Susan E. Tyler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22153) granting a pension to Malissa Lindsey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22154) to authorize the Secretary of the Interior to issue patent to certain lands to William J. Nix; to the Committee on the Public Lands.

By Mr. CANTRILL: A bill (H. R. 22155) for the relief of Oldham County, Ky.; to the Committee on War Claims.

By Mr. CARLIN: A bill (H. R. 22156) granting an increase of pension to Anton Humm; to the Committee on Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 22157) granting an increase of pension to Stephen Glanden; to the Committee on Invalid Pensions.

By Mr. COPLEY: A bill (H. R. 22158) granting an increase of pension to Lewis Mann; to the Committee on Invalid Pensions.

By Mr. COX of Ohio: A bill (H. R. 22159) for the relief of Capt. David A. Murphy; to the Committee on Claims.

By Mr. DONOHOE: A bill (H. R. 22160) granting a pension to Daniel F. Foley; to the Committee on Invalid Pensions.

By Mr. DANIEL A. DRISCOLL: A bill (H. R. 22161) granting a pension to Louise Lee; to the Committee on Invalid Pensions.

By Mr. MICHAEL E. DRISCOLL: A bill (H. R. 22162) granting an increase of pension to Eugene Partridge; to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 22163) granting an increase of pension to George Bessor; to the Committee on Invalid Pensions.

By Mr. GOULD: A bill (H. R. 22164) granting an increase of pension to Edwin G. Brimmer; to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 22165) granting an increase of pension to John McMahon; to the Committee on Invalid Pensions.

By Mr. HEFLIN: A bill (H. R. 22166) for the relief of heirs or estate of John U. Brown, deceased; to the Committee on War Claims.

By Mr. HOWELL: A bill (H. R. 22167) for the relief of Daniel F. Cahoon; to the Committee on Claims.

Also, a bill (H. R. 22168) granting a pension to George Staniforth, alias George Seaforth; to the Committee on Pensions.

By Mr. LEE of Georgia: A bill (H. R. 22169) for the relief of the heirs of Eliza A. Clay, deceased; to the Committee on War Claims.

By Mr. LEE of Pennsylvania: A bill (H. R. 22170) granting a pension to Sarah J. Bunn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22171) granting a pension to Daniel M. Moyer; to the Committee on Pensions.

By Mr. LINDBERGH: A bill (H. R. 22172) granting an increase of pension to William H. Miller; to the Committee on Invalid Pensions.

By Mr. LONGWORTH: A bill (H. R. 22173) granting a pension to Anna Koll; to the Committee on Invalid Pensions.

By Mr. McGILLICUDDY: A bill (H. R. 22174) granting an increase of pension to William T. Eustis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22175) granting a pension to Edmond R. Stearns; to the Committee on Pensions.

Also, a bill (H. R. 22176) granting an increase of pension to Lydia A. Norton; to the Committee on Invalid Pensions.

By Mr. McGUIRE of Oklahoma: A bill (H. R. 22177) granting a pension to Mrs. A. J. Parks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22178) granting an increase of pension to Henry V. Hardwick; to the Committee on Invalid Pensions.

By Mr. McHENRY: A bill (H. R. 22179) granting a pension to Ida V. Wolfe; to the Committee on Pensions.

By Mr. MARTIN of Colorado: A bill (H. R. 22180) granting an increase of pension to Isaac D. Chamberlain; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22181) for the relief of the city of Pueblo, Colo.; to the Committee on Claims.

Also, a bill (H. R. 22182) to remove the charge of desertion from the military record of John G. Schempp; to the Committee on Military Affairs.

By Mr. PALMER: A bill (H. R. 22183) granting an increase of pension to William D. Everitt; to the Committee on Invalid Pensions.

By Mr. PARRAN: A bill (H. R. 22184) granting an increase of pension to Frank Coalman; to the Committee on Pensions.

By Mr. RIORDAN: A bill (H. R. 22185) granting an increase of pension to Michael Curtin; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 22186) granting a pension to Catherine Walsh; to the Committee on Pensions.

Also, a bill (H. R. 22187) granting a pension to William C. Scott; to the Committee on Pensions.

Also, a bill (H. R. 22188) granting a pension to Roy B. Wilcox; to the Committee on Pensions.

Also, a bill (H. R. 22189) granting a pension to James G. Kuhnert; to the Committee on Invalid Pensions.

By Mr. TAGGART: A bill (H. R. 22190) granting a pension to Rachel Jackson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22191) granting an increase of pension to George R. Baucom; to the Committee on Invalid Pensions.

By Mr. TURNBULL: A bill (H. R. 22192) for the relief of the estate of Peter McEnery, deceased; to the Committee on Military Affairs.

By Mr. WEBB: A bill (H. R. 22193) for the relief of James E. Walker; to the Committee on Naval Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AINEY: Petitions of Granges Nos. 205, 1041, 1227, and 1302, Patrons of Husbandry, for a governmental system of postal express; to the Committee on Interstate and Foreign Commerce.

By Mr. AKIN of New York: Petition of residents of Ballston Spa, N. Y., in favor of providing for the building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. ALLEN: Memorial of the Council of the city of Cincinnati, Ohio, requesting mitigation of strike conditions at Lawrence, Mass.; to the Committee on Rules.

Also, petition of residents of Hamilton County, Ohio, asking for an old-age pension law; to the Committee on Pensions.

By Mr. ANDERSON of Minnesota: Petition of F. M. Beach and 11 others, of Lyle, Minn., against extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. ANSBERRY: Petition of J. P. Kalt, Royal Theater, Payne, Ohio, favoring amendment of copyright act of 1909; to the Committee on Patents.

By Mr. ASHBROOK: Petition of Grange No. 1681, Patrons of Husbandry, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of William Moore and other citizens of Newark, Ohio, protesting against enactment of interstate commerce liquor legislation; to the Committee on the Judiciary.

By Mr. AYRES: Memorial of Beardstown Chamber of Commerce, protesting against increasing the flow of waters from Lake Michigan into Illinois River; to the Committee on Rivers and Harbors.

Also, memorial of Naval Camp, No. 49, in favor of the Crago bill; to the Committee on Pensions.

Also, memorial of Brooklyn League, protesting against removal of Brooklyn Navy Yard; to the Committee on Naval Affairs.

Also, memorial of Chestnut Bark Disease Conference, of Harrisburg, Pa., regarding prevention of the spread of this disease; to the Committee on Agriculture.

By Mr. BLACKMON: Petition of citizens of Piedmont, Ala., against the passage of parcel-post bill (H. R. 18960); to the Committee on the Post Office and Post Roads.

By Mr. BOWMAN: Memorial of the Philadelphia Chamber of Commerce, asking for a nonpartisan tariff commission; to the Committee on Ways and Means.

Also, memorial of the Pennsylvania Library Club and the New Jersey Library Association, for enactment of House bill 19546; to the Committee on the Post Office and Post Roads.

By Mr. COOPER: Petition of citizens of Racine, Wis., protesting against enactment of House bill 9433, for the observance of Sunday in post offices; to the Committee on the Post Office and Post Roads.

By Mr. DAUGHERTY: Petitions of citizens of Cassville, Mo., favoring extension of the parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of residents of Peirce City, Mo., favoring parcel-post bill (H. R. 18160); to the Committee on the Post Office and Post Roads.

Also, petition of merchants of the fifteenth congressional district of Missouri, against extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. DICKINSON: Papers to accompany bill for the relief of Mary F. Johnson (H. R. 8913); to the Committee on Military Affairs.

By Mr. DONOHOE: Petition of the Philadelphia (Pa.) Chamber of Commerce, for continuance of the Tariff Commission; to the Committee on Ways and Means.

By Mr. ESCH: Petition of citizens of Colby, Wis., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of the State of Wisconsin, protesting against the Lever oleomargarine bill; to the Committee on Agriculture.

Also, petition of citizens of Clark County, Wis., against removing the 10-cent tax upon oleomargarine; to the Committee on Agriculture.

By Mr. FULLER: Petition of numerous citizens of La Salle, Dimmick, and Peru, Ill., favoring the establishment of a parcel-post service; to the Committee on the Post Office and Post Roads.

Also, petition of National Federation of Retail Merchants, protesting against the enactment of parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of F. M. Edgett, of Earlville, Ill., favoring the passage of the Townsend bill (H. R. 20595) to amend section 25 of the copyright act of 1909, etc.; to the Committee on Patents.

Also, petition of the Illinois Coal Operators' Association, of Chicago, Ill., favoring the proposed Federal commission on industrial relations, etc.; to the Committee on Labor.

Also, petition of Maurice Simmons, commander in chief United Spanish War Veterans, favoring the passage of the Crago bill (H. R. 17470) to pension widows of Spanish War veterans; to the Committee on Pensions.

By Mr. GARDNER of Massachusetts: Memorial of the Salem Board of Trade, Salem, Mass., favoring passage of bill calling for appropriation of $50,000 to be expended in connection with the Fifth International Congress of Chambers of Commerce and Industrial Associations to be held in Boston September, 1912; to the Committee on Appropriations.

By Mr. GRAHAM: Petition of the Woman's Christian Temperance Union of Reno, Ill., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, memorial of the Chamber of Commerce of Beardstown, Ill., protesting against granting of permit to increase the flow of waters of Lake Michigan through the valley of the Illinois River; to the Committee on Rivers and Harbors.

Also, petition of the Chicago Live Stock Exchange, favoring the enactment of House bill 20281; to the Committee on Agriculture.

Also, memorial of the Association of Drainage and Levee Districts of Illinois, objecting to the increase of flow of the Illinois River from Lake Michigan; to the Committee on Rivers and Harbors.

By Mr. GRIEST: Memorial of Chestnut Tree Bark Disease Conference held at Harrisburg, Pa., urging appropriation of $80,000 for use of the United States Department of Agriculture in chestnut-bark disease work, etc.; to the Committee on Appropriations.

By Mr. HAMMOND: Petition of the Minnesota State Pharmaceutical Association, against establishment of a local rural parcel post or appointment of a commission to investigate parcel-post systems of foreign countries; to the Committee on the Post Office and Post Roads.

By Mr. HANNA: Petition of N. G. Anderson, of Palermo, N. Dak., asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

Also, petition of citizens of Portal, N. Dak., urging repeal of the Canadian reciprocity treaty; to the Committee on Ways and Means.

Also, petition of citizens of Pekin, N. Dak., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, memorial of citizens of Short Creek, N. Dak., relative to pending banking and currency legislation, etc.; to the Committee on Banking and Currency.

Also, petition of St. Antonio's Benevolent Society, of Berwick, N. Dak., in regard to measures relative to Catholic Indian mission interests; to the Committee on Indian Affairs.

Also, petition of citizens of Ray, N. Dak., relative to legislation affecting oleomargarine; to the Committee on Agriculture.

By Mr. HAYES: Petition of citizens of the State of California, favoring the building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. HEFLIN: Papers in support of the war claim of the estate of John U. Brown, deceased; to the Committee on War Claims.

By Mr. HOWELL: Petition of Henry H. Rolapp and others, of Ogden, Utah, protesting against House bill 17485; to the Committee on the Public Lands.

Also, petitions of citizens of the State of Utah, favoring certain amendments to the copyright act of 1909; to the Committee on Patents.

By Mr. HUGHES of New Jersey: Petitions of the Woman's Christian Temperance Union and First Reformed Church, of Hackensack, N. J., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. KINKEAD of New Jersey: Memorial of the New Jersey Society of the Sons of the American Revolution, for printing of the records of the American Revolution; to the Committee on Appropriations.

Also, petition of the Chamber of Commerce of Washington, D. C., relative to Fifth International Congress of Chambers of Commerce, to be held in Boston, Mass.; to the Committee on Appropriations.

By Mr. KNOWLAND: Petitions of Methodist Episcopal Church, Hayward; Congregational Church, Berkeley; Epworth Methodist Church, Berkeley; First Baptist Church, Berkeley; Wesley Methodist Episcopal Church, Berkeley; College Avenue Methodist Episcopal Church, Berkeley; Calvary Presbyterian Church, Berkeley; Congregational Church, Hayward; Park Congregational Church, Berkeley; South Berkeley Baptist Church, Oakland; First Presbyterian Church, Berkeley; Methodist Church, San Leandro; Presbyterian Church, Melrose; Woman's Christian Temperance Union, Melrose; First Presbyterian Church, Hayward; Trinity Methodist Episcopal Church, Berkeley; First Unitarian Church, Berkeley; Centennial Methodist Church, Oakland; Young Woman's Temperance Society of the University of California, Berkeley, all in the State of California, urging the passage of House bill 16214; to the Committee on the Judiciary.

Also, memorials of Laurel Club, Oakland; Alameda Center of the California Civic League, Alameda; Union Civic Center of the California Civic League, Hayward; Emeryville Civic Center of the California Civic League, Emeryville; Sacramento Center of the Civic League of California, Sacramento, all in the State of California, urging additional appropriation for the enforcement of the white-slave traffic act; to the Committee on Appropriations.

Also, memorial of Civic Center of San Leandro, Cal., urging additional appropriation for enforcement of white-slave traffic act; to the Committee on Appropriations.

Also, memorial of San Francisco Center of the California Civic League, urging an additional appropriation for the enforcement of the white-slave traffic act; to the Committee on Appropriations.

By Mr. LEE of Pennsylvania: Memorial of the Philadelphia (Pa.) Chamber of Commerce, for continuance of the Tariff Commission; to the Committee on Ways and Means.

By Mr. LINDBERGH: Petition of citizens of Brainerd, Minn., asking support of the Weeks and McLean bills, providing for the protection of migratory game birds; to the Committee on Agriculture.

Also, petition of residents of Akeley, Minn., favoring the Sulzer parcel-post bill (H. R. 14); to the Committee on the Post Office and Post Roads.

Also, petition of farmers, dairymen, and business men of Bertha, Minn., opposing the Lever oleomargarine bill; to the Committee on Agriculture.

Also, petition of citizens of Watkins, Minn., favoring parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, memorial of Sacred Heart Aid Association, of Freeport, Minn., in relation to Catholic Indian missions; to the Committee on Indian Affairs.

Also, petitions of St. Mary's Church, St. Joseph's Society, and Young Men's Society of Millville, Minn., relating to Catholic Indian mission interests; to the Committee on Indian Affairs.

By Mr. LINDSAY: Petition of Mendelson & Morris, of Brooklyn, N. Y., for passage of House bill 20595, amending the copyright act of 1909; to the Committee on Patents.

By Mr. LLOYD: Petition of citizens of Milo, Iowa, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. LONGWORTH: Petition of the Woman's Christian Temperance Union of Linwood, city of Cincinnati, Ohio, for passage of the Kenyon-Sheppard interstate commerce liquor bill; to the Committee on the Judiciary.

By Mr. LOUD: Petition of Samuel D. Kaufman and others, of Kneeland, Mich., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. McGILLICUDDY: Petitions of Baptist Church of South Paris, and the Woman's Christian Temperance Union of Wiscasset, Me., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. McHENRY: Petition of citizens of Elkland, Sullivan County, Pa., in favor of parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. MORSE of Wisconsin: Petitions of sundry citizens of tenth congressional district of Wisconsin, protesting against the passage of Lever bill (H. R. 18493) and favoring the provisions of the Haugen bill (H. R. 19338), except that provision which authorizes the change of the name from oleomargarine to margarine; to the Committee on Agriculture.

Also, petition of the Structural Iron Workers' Union of Milwaukee, Wis., in favor of McCall's proposed amendment to the Constitution to give Congress the power to pass laws regulating the hours of labor in general throughout the United States; to the Committee on the Judiciary.

By Mr. MOTT: Petition of Grange No. 920, Patrons of Husbandry, in favor of a parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petitions of Granges Nos. 59, 691, and 700, Patrons of Husbandry, protesting against the Lever oleomargarine bill; to the Committee on Agriculture.

By Mr. NEEDHAM: Petitions of the Woman's Christian Temperance Union of Central School District, Stanislaus County, and the Methodist Episcopal Church of Turlock, Cal., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of Central School District, Stanislaus County, Cal., asking that the anticanteen law be not repealed; to the Committee on Military Affairs.

Also, memorial of the First Presbyterian Missionary Society of Fowler, Cal., relative to the Mormon Church in Utah and Idaho; to the Committee on the Judiciary.

Also, petition of the Russian River Chamber of Commerce, for improving the Yosemite National Park; to the Committee on Appropriations.

Also, petitions of the Civic League of Sacramento and Emeryville, Cal., for an appropriation to enforce the white-slave traffic act; to the Committee on Appropriations.

By Mr. NELSON: Petitions of sundry citizens of Manchester, Pardeeville, and Browning, Wis., protesting against House bill 18493, relating to oleomargarine; to the Committee on Agriculture.

By Mr. PALMER: Petition of citizens of Easton, Pa., in favor of building one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of voters of Portland and vicinity, Northampton County, Pa., favoring the passage of the Kenyon-Sheppard interstate-commerce liquor bill; to the Committee on the Judiciary.

Also, petition of citizens of Bethlehem, Pa., for the passage of the Esch white phosphorus match bill; to the Committee on Ways and Means.

By Mr. PARRAN: Papers in support of bill for the relief of Michael Shannon, John W. Connelly, Henry P. Graham, and Daniel O'Lone (H. R. 20258); to the Committee on Claims.

Also, papers in support of a bill (H. R. 20336) granting a pension to Ida V. Stephens and her three dependent infant children; to the Committee on Pensions.

Also, papers in support of bill (H. R. 20456) granting a pension to Mary Muller; to the Committee on Invalid Pensions.

Also, petition of 56 citizens of Charles County, Md., favoring parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. RAKER: Memorial of the Chamber of Commerce of San Diego, Cal., recommending that the Revenue-Cutter Service

be continued as at present; to the Committee on Interstate and Foreign Commerce.

Also, petitions of citizens of the State of California, for passage of House bill 20477; to the Committee on the Public Lands.

Also, memorial of the Russian River Chamber of Commerce, for improvement of Yosemite National Park; to the Committee on Appropriations.

Also, petitions of the Civic League of Sacramento, the Civic Center of Emeryville, Cal., and the California Club, for an appropriation for enforcement of the white-slave traffic act; to the Committee on Appropriations.

Also, petition of the California State Hardware Association, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of E. G. Gerbrich and others, of the State of California, for passage of the Berger old-age pension bill; to the Committee on Pensions.

By Mr. RANSDELL of Louisiana: Petition of citizens of the State of Louisiana, for certain amendments to the public-land laws; to the Committee on the Public Lands.

By Mr. REYBURN: Petition of the Philadelphia (Pa.) Chamber of Commerce, protesting against the passage of House bill 16844; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Philadelphia (Pa.) Chamber of Commerce, for continuance of the Tariff Commission; to the Committee on Ways and Means.

By Mr. RIORDAN: Petition of citizens of New Dorp, N. Y., for establishment of free delivery at New Dorp, Staten Island, New York City; to the Committee on the Post Office and Post Roads.

By Mr. ROUSE: Petitions of citizens of Kentucky, in favor of building one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. RUCKER of Colorado: Petition of Robert Barchlay and others, of Denver, favoring the building of one battleship in the New York Navy Yard; to the Committee on Naval Affairs.

Also, petition of Woman's Christian Temperance Union of Colorado, protesting against repealing the anticanteen law; to the Committee on Military Affairs.

Also, petition of the membership of Farmers' Union No. 220, of Severance, Colo., favoring parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of George Dierden and others, of Louisville, Colo., for old-age pensions; to the Committee on Pensions.

By Mr. SHERWOOD: Petitions of citizens of the ninth congressional district of Ohio, for regulation of express rates and classifications; to the Committee on Interstate and Foreign Commerce.

By Mr. SIMS: Petitions of citizens of the State of Tennessee, for establishment of a parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. J. M. C. SMITH: Petitions of citizens of the State of Michigan, in favor of parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of 15 citizens of Tekonsha, 7 citizens of Litchfield, Edwards & Chamberlin Hardware Co., Kalamazoo; Coldwater Council, No. 452, U. C. T.; and 8 citizens of Waldron, Mich., against parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Charlotte, Mich., protesting against the Lever oleomargarine bill; to the Committee on Agriculture.

Also, petition of the Detroit (Mich.) Board of Commerce, for passage of House bill 18005, to erect State agricultural buildings; to the Committee on Agriculture.

Also, petition of citizens of Kalamazoo, Mich., for construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of the Venetran, Coldwater, Mich.; Veno Royston, Grand Ledge, Mich.; W. S. Butterfield, Battle Creek, Mich.; Lipp & Cross, Battle Creek, Mich.; Orpheum Theater, Kalamazoo, Mich.; Howard L. Hobday, Union City; and H. B. Knapp, Battle Creek, for the passage of House bill 20595, amending the copyright act of 1909; to the Committee on Patents.

By Mr. SMITH of New York: Petition of citizens of Colden, N. Y., for passage of House bill 14, providing for a parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. STEPHENS of California: Petition of citizens of Huntington Park, Vernon, and Florence, Cal., for passage of the Berger old-age pension bill; to the Committee on Pensions.

Also, petition of the Woman's Christian Temperance Union of Los Angeles, Cal., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petitions of citizens of Los Angeles, Cal., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petitions of citizens of the State of California, for enactment of House bill 20595, amending the copyright act of 1909; to the Committee on Patents.

By Mr. TAGGART: Petition of Vinland Grange, No. 163, Patrons of Husbandry, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. TALBOTT of Maryland (by request): Petition of citizens of Carroll County, Md., protesting against extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. TILSON: Petition of the Hartford Yacht Club, of Hartford, Conn., protesting against passage of House bill 15786; to the Committee on the Merchant Marine and Fisheries.

By Mr. WATKINS: Petition of citizens of Natchitoches and Rossier Parishes, La., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Winn Parish, La., for old-age pensions; to the Committee on Pensions.

By Mr. WHITE: Petitions of citizens of Rainbow, Stockport, and Caldwell, Ohio, favoring the Sulzer parcel-post bill (H. R. 14); to the Committee on the Post Office and Post Roads.

By Mr. WILLIS: Memorial of Rush Creek Grange, Rushsylvania, Ohio, in favor of extension of the parcel post; to the Committee on the Post Office and Post Roads.

By Mr. WILSON of New York: Petition of members of Improved Order of Red Men of fourth congressional district of New York, for an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

SENATE.

THURSDAY, *March 21, 1912.*

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. MCCUMBER and by unanimous consent, the further reading was dispensed with and the Journal was approved.

IMPROVEMENT OF THE MISSISSIPPI RIVER (S. DOC. NO. 450).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in response to Senate concurrent resolution No. 18, a letter from the Acting Chief of Engineers, United States Army, relative to the work of levee construction in the improvement of the navigability of the Mississippi River, on the east bank thereof from Vicksburg to Bayou Sara, etc., together with a copy of a special report from the acting president of the Mississippi River Commission, which, with the accompanying papers, was referred to the Committee on Commerce and ordered to be printed.

NAVY RETIRED LIST (S. DOC. NO. 449).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of the 15th ultimo, a statement showing the number of officers on the retired list of the Navy January 1, 1912, according to grade and rank and amount of yearly compensation paid to such officers of each such grade and rank, etc., which, with the accompanying paper, was referred to the Committee on Naval Affairs and ordered to be printed.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. 11824) to amend section 113 of the act to "codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented petitions of the Woman's Christian Temperance Unions of Weirsdale, Fla., and Dayton, Ky., and of the congregations of the Methodist Episcopal Church South, of Georgetown, Tex., and the Methodist Church of Thompson, Pa., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. CULLOM presented memorials of members of the Board of Trade of Kansas City, Mo.; of the Chamber of Commerce of Baltimore, Md.; and of the Chamber of Commerce of Philadelphia, Pa., remonstrating against any reduction being made in